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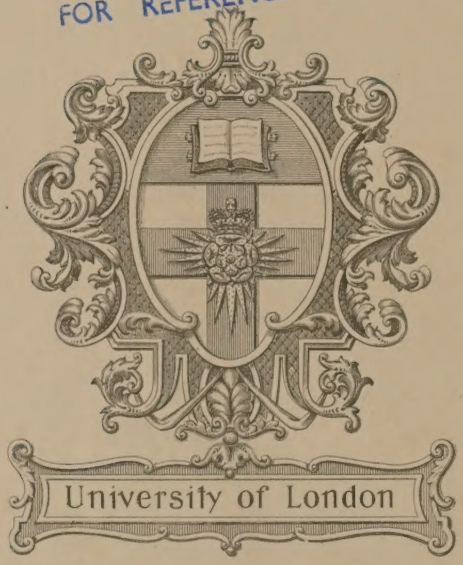

REPORTS

FROM

COMMITTEES:

FIFTEEN VOLUMES.

—(9.)—

NEGRO APPRENTICESHIP.

Session

4 *February*——20 *August* 1836.

VOL. XV.

1836.

REPORTS FROM COMMITTEES:

1836.

FIFTEEN VOLUMES:—CONTENTS OF THE

NINTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

NEGRO APPRENTICESHIP:

560. REPORT from the Select Committee appointed to inquire into the working of the Apprenticeship System in the Colonies, Condition of Apprentices, Laws and Regulations, &c.; with the Minutes of Evidence, Appendix and Index - - p. 1

THE REPORT - - - - - - - - - - p. 1
MINUTES OF EVIDENCE - - - - - - - p. 11
APPENDIX - - - - - - - - - - p. 399
INDEX - - - - - - - - - - p. 657

REPORT

FROM THE

SELECT COMMITTEE

ON

NEGRO APPRENTICESHIP

IN THE

COLONIES;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
13 *August* 1836.

Martis, 22° die Martii, 1836.

Ordered, THAT a Select Committee be appointed to inquire into the Working of the Apprenticeship System in the Colonies, the Condition of the Apprentices, and the Laws and Regulations affecting them which have been passed.

Ordered, THAT the Committee be nominated on a future day.

Lunæ, 28° die Martii, 1836.

A Committee was appointed of,—

Mr. Fowell Buxton.
Sir George Grey.
Mr. O'Connell.
Mr. Gladstone.
Mr. Baines.
Mr. Plumptre.
Mr. Labouchere.
Mr. Andrew Johnston.
Mr. Thornely.
Mr. Patrick Stewart.
Mr. Charles Lushington.
Mr. Oswald.
Sir James Graham.
Lord Viscount Sandon.
Lord Viscount Howick.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 2° die Maii, 1836.

Ordered, THAT Mr. Plumptre be discharged from further attendance, and that Sir Stratford Canning be added to the Committee.

Veneris, 20° die Maii, 1836.

Ordered, THAT Mr. O'Connell be added to the Committee.

Sabbati, 13° die Augusti, 1836.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

THE REPORT - - - - - - - - - - - - p. iii
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - p. 527
INDEX - - - - - - - - - - - - p. [illegible]

3

REPORT.

THE SELECT COMMITTEE appointed to inquire into the Working of the Apprenticeship System in the Colonies, the Condition of the Apprentices, and the Laws and Regulations affecting them which have been passed; and who were empowered to report their Observations thereupon, together with the Minutes of the Evidence taken before them, to The House;——Have examined the Matters to them referred, and have agreed to the following REPORT.

YOUR Committee commenced their Inquiry by examining the various Enactments, which have been passed in the Colonies by the Local Legislatures, affecting the condition of the Apprentices, with a view to ascertain the manner in which the intentions of the Imperial Parliament, as expressed in the Act of Emancipation, have been carried into effect. They soon found, however, that it would be impossible for them to go through the whole subject in a satisfactory manner during the present Session, and determined therefore to limit their investigation to Jamaica, in which colony alone they have obtained Evidence sufficiently complete to be fit for them to submit to The House, or to justify them in expressing any opinion. After having attentively considered the objections which had been urged against the Jamaica Acts, Your Committee proceeded to obtain such information as was within their reach, on the still more important questions connected with the practical operation and effects of the system of Apprenticeship, which might serve to throw light upon the provisions of the Laws which they had previously examined, or enable them to form a judgment of the present condition and future prospects of all classes of the Inhabitants of the Colony.

Upon the subject of the Laws which have been passed in Jamaica affecting the Apprentices, Your Committee have examined several Gentlemen of the Legal Profession whose attention had been directed to them. A very full and minute examination of the objections which have been urged against them will be found in the Appendix; especially in the Evidence of Mr. Jeremie; a reply to which is contained in that of Mr. Burge, the Agent for the Island. With reference to this subject, Your Committee would also call your attention to the Evidence of Sir George Grey, as affording an important addition to the information which has already been submitted to The House, of the views and conduct of the Colonial Office and of the Governor of Jamaica in this respect.

Your Committee are not prepared to express an opinion upon all the points which have been made matter of controversy, some of which appear to rest upon legal difficulties of considerable intricacy. They conceive that they shall best discharge their duty by calling the attention of The House to such questions alone as seem to them to involve substantial and practical consequences, as well as important principles.

The chief objections which have been taken to the Jamaica Laws, which appeared to Your Committee to require a more detailed notice, are the following:

1. The want of reciprocity in the amount and application of the penalties inflicted by the authority of the Special Magistrates on Managers and on Apprentices.

This objection, as far as regards the application, was noticed by Lord Stanley in a despatch of the 20th February 1834, commenting on the Jamaica Act, in which the following passage occurs:

"The 49th clause enables the Special Magistrates to impose fines upon the parties entitled to the services of any Apprenticed Labourer for any wrong or injury which he may sustain from such parties."

"The 68th clause directs that these fines shall be applied to the use of the public of the island. As the Act has provided that the Apprentice should compensate by labour the loss which his Employer may sustain from indolence, neglect, non-performance of work, or absence, it seems but reasonable that the Special Magistrate should have the power of compensating, out of the fine, the Apprentice for the injury which he may have sustained from his Employer; and I think that a clause should be introduced to that effect."

No such clause, however, was introduced into the subsequent Act passed by the Legislature of Jamaica, in pursuance of Lord Stanley's suggestions: and Lord Sligo appears to have concurred in the course adopted by the House of Assembly in reference to that subject.

Your Committee are of opinion that, in theory at least, the objection is well founded; and they are not aware of any satisfactory reason for the omission of the clause recommended by Lord Stanley. No Evidence has, however, been submitted to them of practical evil having arisen from this defect, to warrant any further recommendation on this point.

2. The defective constitution of the Tribunal for the valuation of Apprentices applying to purchase their freedom.

With reference to this objection, Your Committee feel themselves bound to state, that a serious obstacle appears to have arisen to the fair and equitable operation of the process of compulsory manumission. It was clearly the intention of the British Parliament that the Apprentice should by law enjoy the right of having his services appraised at a fair value, at which he should be enabled to purchase his own freedom; nor can Your Committee suppose that the intention of the Jamaica Legislature differed in this respect from that of the British Parliament. They find, however, that undue and excessive valuations are alleged, on official authority, in many instances to have occurred; and they cannot but attribute this evil, in a great measure, to the constitution of the tribunal to which the valuation is by law confided, and which appears to them to give an undue preponderance to Colonial Magistrates. Although no valuation can take place in which the Special Magistrate does not concur, it is equally true that both or either of the Colonial Magistrates may, by adhering to a higher appraisement than that which the Special Magistrate thinks just, render the proceeding nugatory. They have reason, however, to believe, that the more common effect in such cases has been, that a value has been set upon the services of the Apprentice by a compromise between the respective Magistrates.

Your Committee find that this subject has formed the topic of much correspondence

pondence between the Secretary of State and the Governor of Jamaica, by whom it was brought at an early period under the consideration of the Government. Instructions have consequently been at various times addressed to Lord Sligo, with a view to prevent the continuance of this evil; and he has recently been directed to suggest to the Legislature of Jamaica, such an alteration of the Law as is calculated to place the constitution of the tribunal upon a satisfactory footing. Your Committee cannot but express a confident hope that the Legislature of Jamaica will give a prompt attention to this recommendation, which Your Committee conceive that they are bound by good faith and every consideration of justice to carry into full effect.

3. The want of adequate protection to the Special Magistrates against vexatious prosecutions.

To the principle involved in this objection, Your Committee attach the utmost importance. They are of opinion that the beneficial working of the present system, and the full protection of the rights of the Apprentices, depend even more upon the Administration of the Law, than on the Provisions of the Law itself. They consider it of the greatest consequence that the independence of the Special Magistrates, in the discharge of their duty, should be effectually maintained; and that while they are subject to a vigilant superintendence on the part of the Executive Government, they should not be exposed to any well-founded apprehension of a want of due protection against vexatious prosecutions.

Two cases have been stated to Your Committee, in which Actions of Trespass have been brought against Special Magistrates for acts performed in their magisterial capacity, and damages were obtained; which, together with the costs of the action, it would be altogether beyond the means of the defendants to defray. In each case a new trial was expected to take place, and the final decision is not yet ascertained.

Your Committee deem it right to observe, that by an Act passed in Jamaica in 1834, usually termed the Act in Aid, a protection which was not comprised in the original Act was afforded to the Magistrates. This Act expired at the end of the year 1835, but has been subsequently re-enacted for a period co-extensive with the apprenticeship. The actions referred to were both tried during the interval when this Act was not in force, and its re-enactment may render it improbable that actions of a similar nature will hereafter be brought.

Your Committee have ascertained the intentions of the Government in both of these cases, in the event of the verdicts being ultimately sustained; the result will be, the effectual protection of the individual defendants from eventual loss: but should there be any repetition of actions against Special Magistrates, not appearing to rest on a solid foundation, Your Committee cannot think that the evil would be fully met by anything short of some Legislative Enactment, which would secure any Special Magistrate, acting *bonâ fide* in the discharge of his duty, from harassing and vexatious prosecutions. The Governor of Jamaica has been directed to bring this subject also under the consideration of the Legislature; and Your Committee abstain from any more specific recommendation on this point, in the hope that the measures already taken for checking the evil may prove adequate to the attainment of the object.

4. It has been urged as an objection against the Jamaica Law, that it contains no enactment to regulate the Distribution of the Time which the Apprentice is bound weekly to give to his Employer. The interpretation put upon the Law in this respect, in Jamaica, negatives the presumption of the legal right on the part of the Employer to exact from his Apprentice continuous labour to an unreasonable extent, and in practice nine hours appear to be the utmost amount of labour to which the Apprentices in Jamaica are subject in one day by compulsory process. Whatever time they may give to their Employer beyond this limit, appears to be by arrangement, and for remuneration mutually agreed upon. It is, however, universally admitted, that, subject to the qualification before adverted to, the Employer has the legal right to apportion the hours of labour: the result has been the want of uniformity in the distribution of the legal time. Two systems are prevalent in Jamaica, the one termed the Nine-hour System, by which the Apprentice works nine hours a day for four days in the week, and four and a half on the fifth day, having the half of the Friday and the whole of Saturday at his own disposal. The other is termed the Eight-hour System; by which he works eight hours a day for four days in the week, and eight and a half on the fifth.

From the Evidence which Your Committee have received on this subject, there appears to be no doubt that the former system is very generally and decidedly preferred by the Apprentices, as it leaves them a larger portion of time free from interruption at their own disposal, for the cultivation of their grounds, or for any other purpose. Your Committee are convinced that that system must prove most conducive to the interests of the Employers which will secure the most cheerful acquiescence on the part of the Apprentices; and they cannot but express their hope, that the example which has been set on many of the larger properties, of meeting the wishes of the apprentices on this subject, by an adherence to the nine-hour system, will be generally followed throughout the Island.

In connexion with this subject, Your Committee would observe, that they have examined into the discontinuance of certain indulgences which were usually granted to the negro when in a state of slavery, and which, it has been urged, are secured to him, in the same manner as the other allowances, by the Imperial Act, during the period of apprenticeship.

Although Your Committee do not feel warranted in putting this construction upon the Act, yet they conceive that it is to be regretted that these indulgences should in any case be withheld, as long as the Apprentice works in a proper manner for his employer, during the time which he is bound to give to him: unless indeed a compensation is given to him by an increased amount of wages for the extra labour which he voluntarily undertakes to perform; a plan which seems to have been adopted by Mr. Shirley upon his estates with equal judgment and humanity. It appears that these indulgences have been very generally continued to the Apprentice upon the larger properties.

5. Your Committee have felt it their duty to institute a strict inquiry into the alleged cases of Corporal Punishment inflicted on Female Apprentices. They found that this subject had engaged the close attention both of the local Government of Jamaica and of the Government in this country, and that measures had already been taken to prevent the recurrence of the violation of

of that most important enactment, contained alike in the Imperial Act for the Abolition of Slavery, and in the Jamaica Statute, which prohibits the infliction of corporal punishment on female Apprentices.

The result of Lord Sligo's inquiry upon this point, led to the discovery of many instances of a practice of this nature existing for offences against the discipline of the Workhouse in the Houses of Correction in Jamaica, not under the immediate control of the Executive Government, but subject to local regulations and superintendence. Your Committee are happy to observe that the legality of this punishment has in no instance been asserted, but that all parties in Jamaica have concurred in its being contrary to the enactment in the Abolition Act before referred to. In several cases prosecutions were instituted against the offenders by order of the Governor; in one recent case the party was convicted, and the illegality of the punishment thereby established. As, however, some doubt has been thrown upon the construction which may be placed on the Law in this respect, Your Committee are of opinion that it is essential that such doubt should be effectually removed. The attention of the House of Assembly of Jamaica has been directed to the subject, and as they had distinctly recorded their opinion of the illegality of this mode of punishment, Your Committee entertain the fullest confidence that they will not fail to take such measures as will prevent the possibility of the continuance of a practice at once contrary to Law and abhorrent to the best feelings of our nature.

In connexion with this branch of their inquiry, Your Committee feel it right to express their opinion, that the practice of working females in chains (of a light description it is true), when in the penal gang, is open to serious objection. Although it may be expedient and even necessary that female Apprentices should be sentenced in some cases to the penal gang, Your Committee consider that the labour and degradation involved in that punishment, would be a sufficient object of terror, without the addition of chains, and that the effect of this addition cannot fail to have an injurious influence on the characters and feelings of individuals. They are of opinion, that in the infliction of punishment, care ought to be taken to avoid anything which needlessly tends to lessen that self respect which, in the female character especially, it is of the highest importance to maintain, or, when it does not exist, to create.

6. Strong objections have been urged against the present state of the Law with regard to Marriages, which confines to clergymen of the Church of England the power of solemnizing the marriage ceremony. It appears to Your Committee to be of the utmost consequence, in such a state of society as now exists in Jamaica, that all ground for these complaints should be speedily and completely removed. They do not however feel it necessary to dilate upon this subject, as they find that the same view of it has been taken by Lord Glenelg, and they concur in the trust expressed by his Lordship in his Circular, of the 5th March 1836, to the Governors of the West India Colonies, that the Local Legislatures, "will promptly and diligently apply themselves to the work of maturing a liberal and comprehensive Law, dispelling all doubts respecting the validity of marriages already celebrated by the Missionaries, and removing all obstacles to their solemnizing such contracts hereafter amongst the members of their various congregations."

7. The present condition of that portion of the negro population which was under the age of six years on the 1st of August 1834, and is consequently free, has been forcibly urged upon the attention of Your Committee by several competent and respectable witnesses. It appears that there exists a general disinclination on the part of the parents of those children to suffer them to become Apprentices (a circumstance which Your Committee cannot but consider indicative of the just value which the negroes attach to freedom); that the means of education are provided for them in a most inadequate manner, and the consequence is, that they are growing up for the most part in ignorance and idleness. Your Committee need not dwell upon the great importance to the future prospects of the West India Colonies, that bad habits should not be formed in the minds of the rising generation, which are but too likely to become contagious. With a view to prevent so great an evil, Your Committee trust that the Legislature of Jamaica will take immediate measures (as they have stated their willingness to do) for the better encouragement of schools, which, independently of the peculiar case of the children who have been referred to, appear to be exceedingly wanted for the general use of the negro community; and in that event Your Committee hope that Parliament may feel disposed to contribute, in future Sessions, yet more liberally than they have already done, towards the attainment of this most pressing and momentous object.

Your Committee have thus commented upon the principal points which have been brought before their notice; and upon a general review of the Evidence which they have received, they conceive that they are warranted in expressing a belief, that the system of Apprenticeship in Jamaica is working in a manner not unfavourable to the momentous change from Slavery to Freedom which is now going on there. They perceive undoubtedly many traces of those evils which are scarcely separable from a state of society confessedly defective and anomalous, and which can only be defended as one of preparation and transition. But, on the other hand, they see much reason to look forward with a confident hope to the result of this great experiment. In the Evidence which they have received, they find abundant proof of the general good conduct of the Apprentices, and of their willingness to work for wages whenever they are fairly and considerately treated by their Employers. It is indeed fully proved, that the labour, thus voluntarily performed by the negro, is more effective than that which was obtained from him while in a state of Slavery, or which is now given to his Employer during the period for which he is compelled to work as an Apprentice. The mutual suspicion and irritation of the different classes of the community appear to be gradually subsiding, and on the part of the negro population, industrious habits, and the desire of moral and physical improvement, seem to be gaining ground. Under these circumstances, Your Committee feel bound to express their conviction, that nothing could be more unfortunate than any occurrence which had a tendency to unsettle the minds of either class with regard to the fixed determination of the Imperial Parliament to preserve inviolate both parts of the solemn engagement by which the services of the Apprenticed Labourer were secured to his Employer for a definite period, and under specified restrictions; at the expiration of which, he is to be raised to a state of unqualified freedom, and be governed by Laws framed in all respects on the same principle as those to which his white fellow-subjects are amenable.

Some

Some of the objections taken to the Jamaica Legislation have been satisfactorily explained by further Evidence in the course of the Investigation, and do not, therefore, appear to require any specific notice. Upon other points which have not been satisfactorily explained, Your Committee have omitted to animadvert, because they believe that the attention of the Colonial Office and of the Governor of the Island has been, and that they trust it will continue to be, steadily and unremittingly, directed to every part of the subject. In conclusion, Your Committee would observe, that it appears to them to be most expedient, that such Enactments as are intended to come into operation after 1840, should, as much as possible, be delayed until that period shall arrive, and at all events be postponed until the time which more immediately precedes it.

13 *August* 1836.

LIST OF WITNESSES.

Martis, 19° *die Aprilis*, 1836.

John Jeremie, Esq. - - - } p. 1
Joseph Beldam, Esq. - - }

Veneris, 22° *die Aprilis*, 1836.

John Jeremie, Esq. - - - p. 11

Sabbati, 23° *die Aprilis*, 1836.

John Jeremie, Esq. - - - p. 25

Lunæ, 25° *die Aprilis*, 1836.

John Jeremie, Esq. - - - p. 40

Martis, 26° *die Aprilis*, 1836.

Richard Robert Madden, M.D. - p. 49

Veneris, 29° *die Aprilis*, 1836.

Richard Robert Madden, M.D. - p. 62

Martis, 3° *die Maii*, 1836.

John Jeremie, Esq. - - p. 86
Joseph Beldam, Esq. - - - p. 96

Veneris, 6° *die Maii*, 1836.

John Jeremie, Esq. - - - p. 100
Joseph Beldam, Esq. - - - p. 102
Richard Matthews, Esq. - - p. 103

Veneris, 10° *die Junii*, 1836.

John Jeremie, Esq. - - - p. 244

Martis, 21° *die Junii*, 1836.

William Burge, Esq. - - - p. 247

Veneris, 24° *die Junii*, 1836.

William Burge, Esq. - - - p. 260

Martis, 28° *die Junii*, 1836.

Captain William Oldrey - - p. 275

Veneris, 1° *die Julii*, 1836.

Captain William Oldrey - - p. 293

Martis, 5° *die Julii*, 1836.

William Burge, Esq. - - - p. 301
Richard Matthews, Esq. - - p. 316
Joseph Beldam, Esq. - - - p. 316

Veneris, 8° *die Julii*, 1836.

William Burge, Esq. - - - p. 317
Captain William Oldrey - - p. 326

Martis, 12° *die Julii*, 1836.

William Burge, Esq. - - - p. 327
Mr. William Miller - - - p. 327

Martis, 19° *die Julii*, 1836.

Augustus Hardin Beaumont, Esq. - p. 352

Veneris, 22° *die Julii*, 1836.

Augustus Hardin Beaumont, Esq. - p. 379
John Oldham, Esq. - - - p. 407

Martis, 26° *die Julii*, 1836.

John Oldham, Esq. - - - p. 415
Henry Shirley, Esq. - - - p. 427

Mercurii, 27° *die Julii*, 1836.

William Burge, Esq. - - - p. 438
Mr. Robert Russell - - - p. 442

Veneris, 29° *die Julii*, 1836.

Maurice Jones, Esq. - - - p. 448
William Burge, Esq. - - - p. 458
Sir George Grey, Bart. M.P. - p. 459

Sabbati, 30° *die Julii*, 1836.

Sir George Grey, Bart. M.P. - - p. 474

Martis, 2° *die Augusti*, 1836.

Charles Brown, Esq. - - - p. 498
Mr. Melmoth Hall - - - p. 505
Sir George Grey, Bart. M.P. - - p. 508

Veneris, 5° *die Augusti*, 1836.

William Burge, Esq. - - - p. 511

MINUTES OF EVIDENCE.

Martis, 19° *die Aprilis*, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Patrick Stewart.
Mr. Fowell Buxton.	Sir George Grey.
Mr. O'Connell.	Mr. Plumptre.
Mr. Charles Lushington.	Sir James Graham.
Mr. William Gladstone.	Mr. Thorneley.
Lord Viscount Sandon.	Mr. Andrew Johnstone.

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie and *Joseph Beldam*, Esqrs., called in; and Examined.

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

1. Mr. *Fowell Buxton.*] MR. JEREMIE, are you familiar with slavery as it existed for some years previous to its abolition?—For nearly 12 years I have been familiar with the Colonial system of labour, and I may say with slavery from the year 1824 to the year 1834; ten years.

2. Have you had any particular opportunity of directing your attention to slavery, and to the best modes of its abolition?—Various opportunities; when I was first appointed to the West Indies this question excited much interest, as the resolutions of Parliament, of March 1823, had been recently sent out to the Colonies to be carried into effect. On leaving England I was particularly required to turn my attention to those resolutions under directions from Lord Bathurst, and to prepare the measures requisite for introducing the ameliorations determined upon by the Government into the Island of Saint Lucia. In consequence I prepared a slave ordinance, which was subsequently submitted to Parliament, with the observations that appeared requisite upon it. In the year 1826 I was called upon to amend this ordinance by Lord Bathurst's Government. In the year 1828, on coming home, my attention was called to the question again, and I had to draw up a report to the Government upon the ameliorations which then appeared feasible, and upon the objections which had been made to those which were already introduced. Finally, on my going out to the Mauritius the last time, in the commencement of the year 1833, or the close of the year 1832, in consequence of the part which, under the directions of the Government, I had throughout taken in the question, I was particularly directed by Lord Goderich to turn my attention to the means of abolishing slavery, a strong feeling having been excited against slavery itself at the preceding election, which was just over; and I drew up a report, suggesting the apprenticeship system and other matters connected with it, which I transmitted to Government, and which arrived somewhere about the time that Lord Stanley's measure was introduced.

3. *Chairman.*] Were the directions you have spoken of as given by Lord Goderich in writing?—No, they were not; it was the last time I saw Lord Goderich; he told me, as I was going out, it was very desirable that I should turn my attention to that immediately, and I sent home these papers.

4. Have you any copy of the written plan which you say you drew up in consequence of those directions?—I have it not here, but it might be produced. I drew up a plan in the first place, and I next prepared the draft of an Order in Council that was intended to carry that into effect, the draft of an Act of Parliament, and the draft of another Order in Council respecting the distribution of the compensation to the different proprietors. I have only by me the report; the remainder, I suppose, are at the Colonial Office.

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

5. Mr. *Fowell Buxton.*] Did you then consider that the intermediate condition of apprenticeship was indispensable, in order to effect a safe transition from entire slavery to perfect freedom?—As regards the negro, certainly not; and I laid it down as a principle, that with regard to him it was not so; but as regards commerce and other political questions, I considered that it might be of use to pass gradually from a system of slavery to a system of freedom.

6. *Chairman.*] What do you mean by political?—The maintenance of public order particularly.

7. Do you not consider the negro population to be deeply interested in the maintenance of public order?—I understood the original question related to the moral condition of the negroes. The question put to me referred, I supposed, to the actual condition of the negro, and whether he was in a fit state to acquire perfect freedom. I considered, and still consider, that he was so; and that any attempt to improve his condition, as by instruction, which has been spoken of, will come much better after he is free.

8. You say you think that would come much better afterwards, than when in a state of slavery; how do you reconcile that with what you have stated, that the gradual emancipation of the negro appears to you to be desirable for the sake of public order?—In this sense, that when a power of control so important as that which the master possessed is removed, then, except a counteracting power be placed in the hands of the executive, and a system be organized sufficient to suppress disorder on the part of the persons previously coerced, it matters little whether they be negroes, soldiers, or any other body of men, whether West Indians or Europeans, disorder is likely to ensue; in short, whenever so large a body of persons, previously subject to control, are likely to be turned at once upon the community, then I conceive that the hands of the executive should be strengthened, and measures, which require time, be taken, to prepare the community for their reception.

9. Does not what you have now said, go to prove that, even with reference to the advantage of the negro population themselves, it was desirable that there should be some system of restriction placed upon them, before they were in a condition that was rendered one of complete freedom?—With regard to the negro population, taken as a part of the community, undoubtedly; but with regard to the population taken singly, which I understand to be the gist of the question, I have ever maintained that it was not requisite. The question that I answered in the first instance, I took to mean this, whether there was anything peculiar in the negro character, or in the condition of those colonies with regard to the negroes, which would render a measure unsafe there, that might have been adopted in Europe with perfect safety, assuming slavery to have existed here for any length of time.

10. You merely meant then, in answer to the observation, that the negro was only to be treated as a body of white men in similar circumstances might be treated, who were restored to a state of perfect freedom from slavery; that the same temperate precaution was desirable?—Undoubtedly.

11. Mr. *O'Connell.*] Then I understand you, that the restrictions upon the whole were to prevent their using violence?—I meant, that the restrictions should be such as would enable the executive to suppress violence whenever it occurred; I am rather more afraid, and ever have been, of the conduct of those who have lost influence, than those who have acquired it. I am so on general principles.

12. Mr. *Gladstone.*] Of the restrictions you desire to see enacted, a part might be restrictions upon the whole, and a part restrictions upon the negro?—Undoubtedly it might.

13. Then may I ask you, if that is your opinion, whether part of the restrictions which were to apply to the negroes, appeared, in your opinion, necessary for the benefit of the negro?—They appeared beneficial to the community generally, the negro forming part of that community.

14. As regards its application to the character of the negro himself, as considered distinct from the community, was it your opinion that the restrictions would be beneficial or otherwise?—Beneficial, so far as I considered them necessary, but I consider every restriction that is unnecessary an evil in itself.

15. Do you think then that it would be beneficial to the community, including the

the negro, yet hurtful to the negro if considered apart from the community?—Clearly not; what is beneficial to the whole will be beneficial to part.

16. You then consider that restrictions would be beneficial to the negro?—I considered that it might be beneficial to the community of which the negro formed a part, and therefore indirectly to the negro himself as a member of the community.

17. Mr. *Fowell Buxton.*] You were of opinion then that an intermediate state was desirable; but having since seen some colonies in which that intermediate state has been interposed, and other colonies in which it has not been interposed, do you retain the opinion that it is desirable to have that intermediate state in all colonies?—As far as I have been able to ascertain, and judging only from the reports of others, if it be true that in certain colonies the experiment of free labour has worked so beneficially as is reported, of course the intermediate state is absolutely unnecessary; but of my own knowledge I can state nothing. My opinion arises from this; I felt there was much peril at the time in throwing so large a body of persons upon any community, without lodging a power somewhere sufficient to repress disorder. This was an emergency which, like all other emergencies, must be carefully met by the executive.

18. Then you are now of opinion that the apprenticeship is unnecessary?—To that extent; no more. It having been proved now, that the danger which was apprehended, does not exist, it follows, as a matter of course, that my opinion, so far as that goes, is considerably modified.

19. Are you acquainted with the Jamaica Acts passed to carry into effect the Imperial Act?—Yes.

20. Do they correspond in spirit with the Imperial Act?—May I be allowed to state how I have examined the Jamaica Acts, and what Acts I have examined; I have considered them carefully in their many important relations to the Imperial Act. The first Jamaica Abolition Act is the Act passed on the 12th of December 1833; the second, commonly called the Act in Aid, passed 4th July 1834, and which expired on the 31st of December 1835; and next the Act passed on the 22d of November 1834, which was subsequently disallowed. I have examined these and the Imperial Act with great attention, in company with two English barristers, my friends Messrs. Beldam and Matthews, and we have drawn up the result of our opinions after the fullest investigation. This duty was performed with some care, and our objections to these Acts were noted down whilst we were still together, on each occasion of our meeting. They have been, many of them, embodied in a memorial subsequently addressed to the Government. I conceive, perhaps, that it would be more agreeable to the Committee to lay before them our observations as they were noted at the time; and I think I can state, though there may be mistakes in matters examined, even with scrupulous care, that upon the whole I can answer for the accuracy of these observations.—[*Handing in a paper*, vide *Appendix No.* 1.] —Mr. *Beldam.*] Perhaps I may be allowed to observe, as my name has been mentioned in connection with the examination of these Acts, and as my friend Mr. Jeremie has put in a document which is a joint document, that I have subsequently examined these Acts alone; and therefore, when I am called upon, I shall be prepared to put in another document, in which I have considered these Acts more minutely than I did with my friend Mr. Jeremie. I have taken other points which appear to my mind material, and which I shall most humbly submit at a proper time.

21. *Chairman.*] You had better hand in the documents now. [*Mr. Beldam handed in the documents;* vide *Appendix No.* 2.]

22. Sir *George Grey.*] I wish to know whether the observations you have made in those papers are with reference to the Jamaica Act, or made upon a comparison of that Act with the Imperial Act; or whether those observations relate generally to the regulations which you conceive ought to be made as affecting the negro population?—In some respects to both, but most particularly the first. In my examination of those two Acts, I have taken the Imperial Act for the purpose of contrasting the enactments with the Jamaica Act. Mr. *Beldam.*] Perhaps the Committee will allow me to read the first clause of my analysis in order to explain it: "The object of this analysis is to compare the provisions of the Imperial Act of Abolition with the various Orders in Council, Ordinances, Acts, Provisions, Rules and Regulations, which have been made and passed for the purpose of carrying it into

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

practical operation in the Colonies, and to suggest such amendments in the colonial provisions as may produce a closer correspondence between them and the Imperial measure." Mr. *Jeremie.*] Perhaps it may be as well for me to observe, that at the period I undertook this duty, I was out of office; and that immediately I became a candidate for office again, I gave up the investigation. Mr. *Beldam.*] Perhaps it may be also necessary for me to state, that I appear here as an independent person; certainly considerably interested in the question, but impartial; a barrister of ten years' standing at the bar; and being interested in the question, I have volunteered my evidence, with a view to the general interest of the country and the rights of the parties who are involved in the decision of it. I have volunteered my investigations, not only on the Jamaica laws, but on the whole of the West India laws which have been submitted to me; but I appear here as an independent person, unconnected with any individual, to give my unbiassed testimony upon the subject.

23. Mr. *O'Connell.*] By interested, you mean not having any other interest than that of feeling and judgment?—No other than that of feeling and judgment.

24. Mr. *Fowell Buxton.*] With reference to the 16th clause of the Imperial Act, does it appear to you that adequate provision has been made by the Colonial Legislature for the protection of apprentices in the several points enumerated?—Mr. *Jeremie.*] Assuredly not, on many points.

25. In what respect is the Jamaica Act defective?—First, as regards the manner, form, and solemnities, in which the discharge, by purchase, of any apprentice-labourer from his apprenticeship may be effected; in other words, with regard to the compulsory manumission clauses, I consider it must be, in practice, very defective. These, I may be perhaps allowed to say, I have ever viewed as among the most important enactments of the whole; yet I regard them as completely vitiated in practice; or rather I should consider them, practically, very nearly so. I consider them so, in this respect, particularly, that the appraisement is placed, by the Jamaica Act, in the hands of one special, and two ordinary Magistrates; so that, in truth, the labourer is to be appraised by persons having a direct interest in enhancing his value when estimating his qualifications. I allude more particularly to this point, because those who are acquainted with, or who have followed up the West India controversy, as the duties of my office required that I should do, are perfectly aware that this question was mooted, over and over again, in the course of that controversy, the practical difficulties having been repeatedly brought under the consideration of the Government; more especially in the celebrated Trinidad case, the case of Pamela Munro. Upon that occasion two arbitrators, who had an interest in slavery, had set what appeared an exorbitant value upon this person, and the question which came to be submitted to the Government, was, whether the actual value of Pamela Munro, as she, or a slave of her description would sell in the market, was a fair price for her? Was this the price at which she ought to be appraised, or should an ideal value be added, owing to her being attached and forming part of a plantation? And I always considered the decision arrived at (certainly in the colony where I then held office) was, that the value, the marketable value, of the slave, was alone to be considered on that, as on all other occasions. Now, I conceive all the evil consequences that arose in the case of Trinidad must again arise in the case of Jamaica; and indeed it would appear that an ideal value had been already added to the intrinsic value of the services appraised, such ideal value being estimated, not by the actual value of the slave alone, but by the additional loss inflicted upon slavery by the act of emancipation itself. I had this declaration from an authority which I consider unquestionable; the gentleman will be submitted to examination in the course of this investigation, as I saw him (he has published the fact) in the next room this morning. Now, I have ever considered that the great advantage of the system of apprenticeship arose from this, that by means of the principle of compulsory manumission, slavery would gradually merge into a state of freedom; that there would be no sudden change, and that, at the expiration of the term of the five years, or of any other given period, the apprenticeship would have disappeared of itself; principally so by means of arrangements between the proprietor and the negroes; but if a value of this kind is to be put upon the negro, a rule perfectly different from any which is adopted in any other case of appraisement, then, to that extent, the purpose of the Legislature seems to be completely defeated. I took great pains with this part of the subject

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in the drafts of ordinances which accompanied my report, for my principal dread has ever been, a sudden change; but unhappily, by means of this ideal appraisement, a change will take place, at the end of seven years, nearly as sudden as if slavery had been abolished in an hour! Mr. *Beldam.*] The clauses I object to on this subject are from the 9th to the 13th, in the first Jamaica Act. I object to them, not only for the reason which has been assigned by my friend, Mr. Jeremie, namely, the appointing two out of the three arbitrators from among the ordinary magistrates, whom we may therefore presume to have been interested in enhancing the price of the slaves to be manumitted, but because there is nothing inserted in the Jamaica clauses to direct the minds of the arbitrators or appraisers as to the principle upon which the valuation should be made. Understanding, as I do, that there was a valuation made of slaves throughout the colonies before the Act of Abolition came into operation, it appears to me, that that valuation ought to be applied to all purposes subsequent to its coming into operation; and therefore it should not be competent to any justice to put any other valuation upon the negro to be manumitted under this clause, but what would be a proportion of the valuation so fixed by the colonists themselves previous to the Act coming into operation. For these reasons I agree, with my friend, Mr. Jeremie, in the objection he has taken; but I think there is another objection, and it is this: That neither the first Jamaica Act, nor the second Jamaica Act, have provided for all cases of compulsory manumission. In the first Jamaica Act no provision whatever is made to compel trustees and persons possessed of limited interests in apprentices to discharge them. In the second Jamaica Act, clauses 3 and 4, provision was made to remedy this omission, but not sufficient; even that was defective, for even there no provision was made for a case in which the owner was unknown, or happened to be absent from the colony, a case which very frequently occurs, and which, therefore, ought to be provided for. The amending clause is certainly beneficial, but the law appears to me to be still both defective and repugnant to the Imperial Act.

26. Sir *George Grey.*] You stated that the provisions of the Jamaica Act, respecting compulsory discharge, were in your opinion completely vitiated?—Mr. *Jeremie.*] I rather think I qualified it.

27. You stated that the provisions of the Jamaica Act, in respect to compulsory discharge, were in your opinion completely vitiated, and that the principles of the British Act are in a great measure vitiated?—I first made use of the word "completely," and afterwards I used the words "very nearly," as a modification of the first passage in my reply; I also added "vitiated in practice."

28. Do you found your opinion upon your practical knowledge of cases in which valuation has taken place, and apprentices have been unable to pay, or merely upon the provisions of the Act, and the effect which they appear to you calculated to produce?—I found it on both; I found it upon the provisions of the Act as explained, and next on my own experience, as president of a Court through which compulsory manumissions were effected for many years under the old system.

29. I am speaking of Jamaica?—No; as to practice there, that is utterly impossible.

30. But with respect to Jamaica, have you a practical knowledge of a numerous class of cases, in which valuation has been, in your opinion, ideally high, and the compulsory discharge consequently has not taken place?—I have information, but I have no personal knowledge of it, therefore I should say I have none.

31. Have you seen the list of the valuations which have been made, and the amount of them?—I have heard some mentioned, and particularly I might allude to Dr. Madden's work, and to information received from other sources, but I have not information to induce me to say that I have a practical knowledge on that point.

32. You have never seen a complete list?—I will not answer for that information personally. Mr. *Beldam.*] Perhaps I should state that I have no practical knowledge upon the subject, never having been in the colonies, and having derived my information solely from those who have been there; I have however treated this subject as a question of solemn compact between the two parties; here is the Imperial measure which certain other legislatures are bound to carry into effect, and my single question has been, whether in point of fact the Imperial measure

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

has been carried into effect. In reporting therefore upon these clauses, I state what appears to me to be their legal effect, and I feel convinced that they do not carry into effect either the spirit or design of the Imperial Act.

33. Mr. *Gladstone.*] The information therefore on which your opinion is formed, has reference to cases of compulsory discharge in colonies other than Jamaica, and to returns for a period preceding the abolition of slavery?—Mr. *Jeremie.*] It goes to this, that enactments in substance similar to that of Jamaica, have led to the requiring prices so exceedingly high, that the Act was, in practice, so long as these enactments continued, absolutely void.

34. Mr. *Fowell Buxton.*] That it might be rendered so?—That it might be rendered so in practice.

35. But you have not evidence that this opportunity to raise the price of slaves ideally high was taken advantage of in Jamaica?—I cannot supply evidence upon that point, therefore I must say I have not.

36. Mr. *O'Connell.*] If I understand you, it is thus; that similar enactments have led to appraisements much heavier than would have occurred had such enactments been passed in more specific terms?—Yes, whenever they were introduced.

37. Sir *George Grey.*] Did the enactments previous to the abolition of slavery, then, require that special judges, unconnected with the colony, should be a party to the valuation, the evidence upon which the opinion of the valuers was to be founded being upon oath?—The arbitrators were always sworn under the old system, and the particular course adopted in the Crown colonies, at least at St. Lucia, was this: the proprietor named one, the protector named another individual, and then there was a third arbitrator, named by the two parties or by the court; by the Chief Justice, who could not be a slave-holder.

38. Lord *Sandon.*] And under that system, did you find that any fraudulent appraisement was made?—Occasionally I even then found that very high appraisements were made, but still not to the extent to which they might be carried under an enactment such as this.

39. Then you apprehend that, according to the Jamaica enactment, the extravagant appraisements first alluded to are not likely to take place?—They are likely to take place.

40. Then the method which is now introduced, with regard to appraisement, is not so extravagant?—It is rather the reverse; I observed that, even in taking every precaution, still in communities such as these, the appraisers being necessarily selected from among the free class, there was always a bias and a tendency rather to enhance than diminish the price of negroes, and therefore the more defective the enactment, the greater this bias or tendency.

41. Then you consider the enactment more defective than that which has been used, with regard to other appraisements which you consider so much above the value?—I consider it precisely open to similar objections to that other system where appraisements were so exorbitant.

42. I thought you said that in no case where there was a person in the character of a special justice, whose consent was requisite to the sale?—In the character of a special justice, his consent is not requisite to the appraisement, but the special justice is one of three selected.

43. Mr. *O'Connell.*] Can you point out the difference in which you think the system worse than that of which you spoke before?—Undoubtedly.

44. Be so good as to state in what you deem it worse?—From the circumstance that the appraisement must be made by one special and two ordinary magistrates, and therefore the one will be overruled by the two; but this one alone is unconnected with slave property; the others must have, in most cases, an interest in it, direct or indirect.

45. Is it the award of the majority, or must the three concur; or is the award of the majority sufficient?—I consider the award of the majority sufficient. Mr. *Beldam.*] To avoid all mistakes as to the form in which an opinion has been expressed, I think it right to state, that in the Jamaica Act, the words "ordinary magistrate" are not employed, though the context, and the spirit of the clause evidently imply that he must be an ordinary magistrate, as contradistinguished from a special magistrate; but the word "ordinary" or "common" is not employed. There can be no doubt that the clause intends one special justice and two ordinary justices;

justices; wherever the word "special" is not employed, I believe the clause intends the ordinary magistrate.

46. Mr. *O'Connell.*] At all events, it is not compulsory to have more than one special magistrate?—No.

47. Mr. *Gladstone.*] You used the expression that there must be two who are necessarily connected?—I consider that every person who carries on business in these colonies must be in some way, directly or indirectly, connected with slaves; if he is a merchant, he is indirectly connected; if he is a planter, he is directly connected; if he is a manager or attorney, he is equally so; if a barrister he runs the risk of losing his practice if he renders himself unpopular; and therefore I consider that all persons, except public officers and a few others, but particularly excepting special magistrates, will be connected more or less with that which is the staple of the country.

48. Are you aware what the law in Jamaica was previous to the abolition of slavery, with reference to compulsory manumission?—It did not exist in any shape.

49. Sir *George Grey.*] No slave could demand his manumission?—It was not a right.

50. Mr. *Gladstone.*] Consequently, if there was no right whatever of compulsory manumission previous to the abolition of slavery, and if there is now a right established, although subject to the condition which you consider as ill-judged, there has been an improvement with respect to compulsory manumission as compared with that of the previous Jamaica law.—Most unquestionably, I do not mean to deny that this Act contains many very valuable enactments, as compared with the old law, but there are three ways of examining it; first, with reference to the old law, and there these regulations are certainly, taking them generally, an improvement upon it; next, with reference to the Imperial Act, and there they fall below it (and that, I conceive, is the right way of examining this Act; that is the proper test); and, thirdly, with regard to my own views of apprenticeship, as it might have been rendered, when it falls far below them indeed. Mr. *Beldam.*] It is not pretended there are not improvements in many of the particulars introduced into the Act; but the question appears to be, whether or no this particular clause did carry into effect the intention of the Imperial measure, which was to enable any negro to obtain compulsory manumission upon the terms mentioned in the Imperial Act, that is, upon equitable terms.

51. Then the information you convey to the Committee is, the system of appraisement in Jamaica is worse than it was before?—No, not in Jamaica; but worse than I conceive it was intended to be rendered at the time the Imperial Act was framed.

52. Mr. *O'Connell.*] And worse than the particular appraisement which you have mentioned in the other islands?—Yes; and that is the inducement to believe, that if not absolutely contrary to the letter of the Imperial Act, it does not amount to what was contemplated by the Government at the time of framing the Act; my reason is, that at that time all these questions had been mooted, and a decision solemnly come to by the Government, and therefore I infer, that as that Act was intended to confer additional advantages upon the negro population, it never could have been the intention to withdraw that advantage which, on mature deliberation, it had been previously determined they should possess.

53. Sir *George Grey.*] Can you specify any discrepancy between the portion you have been speaking of and the enactments of the Imperial Act?—The Imperial Act requires that certain regulations should be framed and established "for determining the manner and form in which, and the solemnities with which the purchase by any such apprenticed labourer, of his or her discharge from such apprenticeship, without or in opposition, if necessary, to the consent of the person or persons entitled to his or her services, shall be effected; and how the necessary appraisement of the future value of such services shall be made; and how and to whom the amount of such appraisement shall in each case be paid and applied; and in what order the form and by whom the discharge from any such apprenticeship shall thereupon be given, executed and recorded." Now, looking upon the Imperial Act as a remedial measure, I consider that it was not only intended by this clause to give to apprentices in all cases the right to purchase manumission, with or without their owner's consent, but that all that was left to the colonial legislature to perform, was to decide as to the formalities which should be observed on such

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

occasions, and there being no express provision afterwards inserted as to the principle upon which their appraisements were to be made, I take it for granted, that it was intended to be a fair and equitable method of appraisement, and that nothing short of what was equitable and fair could have been contemplated by the Imperial Act, or would (as I should have supposed) have been allowed to exist in the Acts of any other legislature. But if it be true that by this Act two in three of the appraisers are interested in enhancing the value of the thing appraised, and it is a principle of human nature that a man's conduct will be generally conformable to his interest, however pure his motives, then I conceive that such an enactment could never have been contemplated by the Imperial Legislature; in short, an equitable mode of appraisement was alone contemplated, and the mode provided by the Jamaica Act is not, in my opinion, an equitable one.

54. Lord *Sandon.*] Then your objection to the enactment is to the spirit and not the letter of the Imperial Act?—Mr. *Beldam.*] The repugnancy applies to the spirit of the Act; I think it quite an inequitable mode of appraisement, and I have another objection to the clause, namely, that it is defective, inasmuch as it omits various classes of owners, so that in certain cases a negro cannot, if he had a mind, under any circumstances, obtain compulsory manumission.

55. Sir *George Grey.*] I should like to look at the clause you specified?—Mr. *Beldam.*] I have already read them, but I will read them again; the first Act omits altogether trustees and other persons possessed of limited interest.

56. Mr. *O'Connell.*] As to the right of somebody else; limited interest is quite a different thing.—Mr. *Beldam.*] Suppose, for instance, a proprietor absent in this country; and the word "other" applies to persons possessed of life estates, and various other kinds of limited estates, a numerous class, not provided for in the first Act.

57. My objection is to the use of the word "other" after trustees; the trustees and other persons having a limited interest?—Mr. *Beldam.*] That is merely a verbal error.

58. But looking at that clause, are there any persons still subject to that observation?—Mr. *Beldam.*] There are various persons; for instance, cases in which owners are unknown, or absent and unrepresented.

59. Sir *George Grey.*] Are not the cases in which they may be absent from the colony provided for by the 9th section of the first Act; do not you think that the agent of an absent proprietor is competent to act under that clause?—Mr. *Beldam.*] It appears to me, that does not necessarily include all the cases; but if there be any ambiguity, that would be sufficient for me to take an objection.

60. State in what respect the agent would not be a competent person to represent the owner?—Mr. *Beldam.*] I doubt whether an agent would be a competent person to perform such a part in case of the absence of the proprietor from the colony; and, although under the equity of such a clause, he might be let in to do so, I do not think that the law of the colony could compel him to do so; but the circumstance of a doubt being raised as to the power or right to do so would be an objection to a provision applying to so many cases of parties who are desirous of obtaining manumission.

61. Do you happen to know, in point of fact, that any case has occurred of an agent refusing to act for an owner under these circumstances?—Mr. *Beldam.*] I do not know any such case; I have already stated, that I look at the law as it is in the letter before me, and I do not consider that the absence of any practical grievance would exempt a commentator from the necessity of taking objections; I should think, for instance, that no humane conduct on the part of the functionary or person entitled in law to the services of the apprentice, would make the law itself good, if it were in its provisions defective. Mr. *Jeremie.*] My particular objection to the word "agent" is, that this is an alienation of property, and I should have my doubts as to the power, and especially the willingness of all agents to undertake a duty of the kind; for instance, take a mere overseer of an estate, entrusted with its superintendence only, or the mere daily care during a short absence, would he feel inclined to act under circumstances of that kind, even though it may be said there is little doubt as to his authority as an agent under the Act, for the words are "representative or agent." Then again, in some islands in the West Indies where life is so exceedingly short, for instance in St. Lucia, there have been properties without an agent for years together.

62. Sir

62. Sir *George Grey*.] It is desirable, in considering the effect of the Jamaica Act, to confine ourselves to the Jamaica practice?—Then I know nothing of it. Mr. *Beldam*.] There is an exception still to the clause, namely, as to owners unknown; however the objection as to agents may be disposed of. There are some colonial Acts, in which an express provision is made for the absence of proprietors, which certainly appears to raise a doubt as to whether, in case of the absence of such an express provision here, the agent would be authorised to represent the proprietor; in other colonial Acts the provision is made.

63. Mr. *Fowell Buxton*.] Would an agent empowered to act in general cases, consider himself entitled to act in peculiar cases?—Mr. *Beldam*.] In general cases I think not.

64. Sir *George Grey*.] Are you perfectly acquainted with the practice of Jamaica, and with the duty of an attorney for an absent proprietor?—Mr. *Beldam*.] I am not perfectly acquainted with them; I took objection to the absence of an express provision.

65. Mr. *O'Connell*.] You said something about the Act being remedial; would not the word "agent" in a remedial Act, include every description of agent?—Mr. *Beldam*.] Every agent, perhaps, who is fully invested with an agent's authority.

66. Would it not extend to a limited agent, as being remedial?—Mr. *Jeremie*.] To agents for estates; to any agent connected with the property, I should think it would. Mr. *Beldam*.] I am asked whether this question materially affects the planter, and whether any objection has been taken by an agent to the want of power; the negro, I should think, would be the person most likely to complain.

67. Sir *George Grey*.] Do not you think, with the feeling which has been excited in Jamaica, if that had been a fair and reasonable objection, that it is probable it would have been taken before this time by some Jamaica agent?—Mr. *Beldam*.] I do not know how probable it may have been; but I know many other objections have not been taken in other cases which appear to me to be exceedingly important.

68. Mr. *O'Connell*.] It may very well occur that several years would elapse before any such point would arise?—Mr. *Beldam*.] Yes.

69. And again, it is only the negro who would have a right to complain if the proprietor refuses to appoint an agent?—Yes.

70. Mr. *Gladstone*.] Can you point out to the Committee how it would be possible to frame a clause in more comprehensive words than it is at present?—Mr. *Jeremie*.] Yes, I think I can; in some parts of the West Indies, or at least in those islands with which I was connected, where there is no agent, they are bound to give notice to a certain public officer who will represent the absentee, and the difficulty in that case is removed at once.

71. Mr. *Fowell Buxton*.] Mr. Beldam, would an agent appointed subsequently to the Abolition Act, have an authority to act in an emergency created by that Act?—I think not so much as to part with the property over which the agency was created. Mr. *Jeremie*.] If you will allow me to say, the question comes back to the original point, what is the meaning of the word "representative" or "agent" in a remedial Act of Parliament? Now I consider, as I have already stated, that where the agent, be he who he may, is known to be in connexion with the property, that is quite sufficient to render him an agent under that clause of the Act; but that does not afford a remedy where the agent is unknown. When a person has quitted the island on a sudden, for instance, or in any case of that kind, or without leaving any agent, then a public officer might have been pointed out on whom notice was to be served; a practice that may be beneficially adopted on other occasions also.

72. Lord *Sandon*.] If this is considered an omission, is it such an omission as could be attributed to any intentional neglect on the part of the legislature of Jamaica?—Not in my opinion, distinctly not.

73. Mr. *Gladstone*.] Is it your opinion, in all cases in which there was an agent, who would be qualified to act for the owners in matters of manumission before the abolition, that such person would be equally qualified to act after the abolition?—Most undoubtedly. Mr. *Beldam*.] My reply as to agency generally is this, that I have looked at the strict interpretation of this clause. I know no agent employed merely to manage a property, who has a right, without some special authority, to part with that property; and this I beg to repeat, whatever may be the interpretation or legal construction to be put upon the word "agent."

John Jeremie and *Jos. Beldam*, Esqrs.

19 April 1836.

74. Mr. *O'Connell.*] Is the doctrine to which you have referred intended as between agent and employer, or between agent and third person?—Mr. *Beldam.*] I apply my remarks likewise to a third person.

75. Then as to a third person, when a party is allowed by the owner to appear to have authority, the owner would be bound by the Act?—That again must depend upon circumstances; it is an important branch of law, and which has been considered more particularly by Mr. Paley, and other legal persons. I should wish to limit my observations to some particular question put to me. As to owners who are known, that is a clear omission; as to the agents of persons absent from the colonies, and unrepresented, there is no express provision made for them. If agents have a right to act at all, it seems to be under some general power they possess as agents; but the absence of an express provision as it regards them, must give rise to doubts and disputes which will at least produce delay if it do not absolutely nullify the right of manumission.

76. Mr. *P. Stewart.*] Did you ever read a power of attorney, such as is invariably granted to managers in the West Indies?—I have not read any West India power of attorney.

77. Mr. *A. Johnstone.*] Mr. Beldam, do either of the Jamaica Acts to which you have turned your attention, specify anything as to the agreement between two or three special magistrates and other magistrates, as to the power?—Mr. *Beldam.*] Do I understand your question to be, whether there is any principle of valuation, or any basis for valuation, agreed upon?

78. I mean, whether the consent of three must be necessary, or the consent of two?—There must be the consent of two.

79. Mr. *O'Connell.*] Is that by positive enactment?—Not by positive enactment; but taking the words of the clause, it appears to be similar in that respect to all clauses of appraisement.

80. Mr. *Fowell Buxton.*] Then it might happen, if a special magistrate was one, and two planters having a direct interest in enhancing the value of the apprentices were the two others, that the amount might be decided by the two who had an interest?—It must be decided by two, but not necessarily by the two who have an interest; but it is in their power. Mr. *Jeremie.*] My objection is distinctly this: The special justice seems to me merely appointed as a sort of umpire between two persons having the same interest; he can only come into play where there is a difference of opinion between these two. I should mention that that is not the only objection which I think I might submit to this Committee; there are other minor objections; but if this, and other more serious ones to be hereafter mentioned, were removed, I should be inclined to view the Act as much more perfect than I yet do; for at present my opinion is rather strong with regard to that Act, in consequence of the very serious discrepancies it appears to me to contain.

81. And you have found that the Jamaica Acts are defective with regard to the appraisement; are they defective with regard to any other points?—Yes; and the next point, as it strikes me, is extremely material. I shall at once make a general objection to all the remaining points which did not apply with regard to compulsory manumission. The other regulations relate chiefly to the maintenance of order, discipline and punctuality, and my general objection is this, that very extensive powers appear to have been entrusted to the special magistrates whenever misconduct was attributable to the labourer, and very inadequate powers, amounting, I should say, to nearly the shade of a power, have been entrusted to these magistrates wherever the manager was likely to be the delinquent; that is my general objection to all the clauses which regard order, discipline, and punctuality; there is no reciprocity.

Veneris, 22° die Aprilis, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. O'Connell.
Mr. Fowell Buxton.	Mr. Andrew Johnstone.
Mr. Thorneley.	Sir George Grey.
Mr. Charles Lushington.	Lord Viscount Sandon.
Mr. William Gladstone.	

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq., called in; and further Examined:

John Jeremie, Esq.
22 April 1836.

82. Mr. *Buxton.*] WILL you proceed to state any objections which you entertain to the Jamaica laws relative to punishments?—The objection with which I closed my last answer, was, that there was no reciprocity in the punishments; wherever the manager is concerned there is a trifling fine imposed, and beyond this the magistrate's authority does not extend. (I refer to the 49th clause of the first Jamaica Act, page 280 of the Parliamentary Papers, the first clause in that page.) I would beg to direct the attention of the Committee to the wording of this clause. It comprises "all complaints made by any apprenticed labourer or labourers" against the person entitled to his or their services, touching any "fraud practised or refusal to furnish any such apprenticed labourer with a sufficiency of provision-grounds," and so on; or of "any cruelty, injustice, or other wrong or injury;" and it directs, that "such complaint shall be heard, adjudged, and determined before any one or more special justices; and he or they is or are empowered to punish any offender, in any of the cases above-mentioned, with a fine not exceeding 5*l.*;" so that, for any "cruelty, injustice, or other wrong or injury," or for any "fraud practised," a special magistrate can only inflict a penalty of 5*l.*, which is to be commuted (if not paid) to five days' imprisonment. That is the full extent of his power as a special magistrate. I am perfectly aware that, in cases of extreme cruelty, punishable under the common law, apprentices may have recourse to the ordinary tribunals of the country. I am prepared to make that concession; I believe there can be no doubt about it.

83. Sir *George Grey.*] Is not there an express proviso?—There was a proviso which was not very clear in this Act, but it has been subsequently settled by the Act in Aid, and therefore there can be no doubt about it now; but my objection to this clause is, that the apprentice must have recourse to the ordinary courts, to courts which, as far as my general experience has gone, I believe to have proved themselves unwilling to inflict punishments against managers; indeed, if they were sufficient for every such purpose, it was quite unnecessary to give extraordinary powers to the special magistrate, or to appoint special magistrates; and if they were not sufficient for such purposes, it was advisable that the special magistrate should possess sufficient powers by this Act. If you go into the courts of common law, those cases will be tried by a jury of persons interested in slave cultivation, a jury of overseers or managers; and, consequently, a jury which, if the very principle which pervades this Act be correct, is incompetent to determine cases of the kind. Now, if a labourer should happen to be the delinquent, the powers possessed by a special magistrate are extremely extensive; there are several clauses that relate to labourers, and inflict punishments abundantly severe. I would point out the 36th clause as one; by this, an apprenticed labourer is liable to six months' hard labour, or fifty stripes, on any order from a special justice; so that a special justice who can only inflict a penalty of 5*l.* on a manager in any possible case, may in certain given cases inflict a punishment of six months' hard labour or fifty stripes on an apprentice.

84. Do you mean to say in any given case?—In the particular case I have pointed out.

85. Mr. *Gladstone.*] Do you consider that the actions punishable by the 36th and 49th clauses are so far analogous as to be capable of comparison?—On this point undoubtedly; because the 49th clause embraces every possible fraud or act

John Jeremie, Esq.
22 April 1836.

of cruelty which can be committed by a manager; and therefore, cases of extreme cruelty, unless they are punishable by some other Act, (and by no other Act, that I am aware of, does a special justice possess any further powers with regard to managers,) are only punishable by a special justice to the extent of a fine of 5 *l.*

86. Do you conceive that it was contemplated by the Imperial Parliament that a special justice should be empowered to deal with cases of extreme cruelty, or that he was rather intended to adjudge on minor and ordinary complaints?—It is very possible, and I think very likely, that the Imperial Parliament merely intended to confer powers on special justices in matters of domestic discipline, though I find the 49th clause so worded as to embrace cases of fraud and cruelty; but even assuming that the Imperial Parliament had no intention of extending the powers of a special magistrate beyond cases of domestic discipline, still I maintain that a fine of 5 *l.* is quite inadequate in many of those cases as a penalty.

87. Lord *Sandon.*] The great value of your objection upon this head, is the inadequacy of the common tribunals, or the want of confidence in the common tribunals to adjudicate on such offences?—That is one of my objections. There is also another clause to which I will call the attention of the Committee, as showing the disproportion between punishments where the labourer or where the manager happens to be the delinquent, the 30th clause. It relates to the endangering the property of the employer or any other person by the careless use of fire; that I think, was an assumption of power never intended to be conferred on special magistrates, and that is another objection to this clause. These magistrates were merely appointed for the purpose of maintaining discipline and order, and supporting the rights of the manager on the one side, and the slave on the other; so that the extending their powers to offences committed by labourers against "other persons" is clearly contrary to the spirit of the Act. Then, the "ill-using of cattle," (not destroying or wantonly -illusing) "or other stock, or apprentices who shall wantonly destroy" (that is all well) "or injure property entrusted to them, these offences are to be punished by hard labour in the house of correction, or in the penal gang, for a period not exceeding three months, or by stripes, not exceeding fifty." This, for merely ill-using cattle, though not done wantonly, I consider also severe in itself. Another objection to these enactments, founded on the same want of reciprocity, regards the manner in which the penalties are to be applied, and this is an important point. Whenever a labourer is condemned to a certain punishment, such as an extension of the period of labour, or the loss of a certain number of hours of his own time, the penalty accrues to the manager; but whenever the manager is convicted of an offence which causes a loss to the apprentice, the penalty accrues to the Crown, and this pervades the Jamaica Act. Here then is a complete want of reciprocity. I shall admit there may be cases where it will have been advisable that the labourer should be compelled to indemnify his manager, but it was equally advisable that the manager should be compelled by the same authority, in cases of a similar nature, to indemnify the labourer.

88. Lord *Sandon.*] Can you quote the cases of a similar nature?—I shall first point out the 68th clause. By this clause all fines and penalties accrue to the use of the public. Now as the only penalty that can be inflicted by the special magistrate upon the manager is a fine of 5 *l.*, whatever the nature of the wrong, injury, or cruelty committed, such as depriving a man of his Sunday or his working-day, and as the 68th clause declares that all forfeitures shall go to the Crown, it follows that the special magistrate cannot adjudge the manager in any case to indemnify the labourer; but, on the other hand, there are several clauses where the labourer is required to indemnify the manager. Nay, farther, there are cases where he is condemned to pay the manager a certain sum, or (which is equal to a certain sum) to give him a certain amount of labour, though in such case the manager may have suffered no loss, or no adequate loss, from the offence; for instance, drunkenness. By the 28th clause, an apprentice being guilty of drunkenness shall forfeit to his employer not more than four days' labour; those four days' labour are to be taken from him in his own time, and as he has only one day in each week for his own use, he is at once deprived of his own time for one month, which accrues to his manager for an act of drunkenness that may have been committed on his own day, when he owed no kind of service whatever to his employer. The same principle pervades a great number of, I might say all, these clauses in the Act. I shall point out another instance: a man absenting himself from his labour. On such occasions nothing could be fairer than a clause by which he would have been bound to make good the time lost; but here he is bound to do something more;

more; he is to make good double or treble the time lost. A labourer absent for half a day, or any shorter period (therefore a quarter of an hour would do), shall incur a forfeiture to his employer of not more than one whole day of the apprentice's own time; more than half a day, a forfeiture of not more than three whole days; two successive days absence, or two distinct days within the same fortnight, render the offender a deserter, with punishment by hard labour in the penal gang, or the house of correction, (that I do not complain of, the owner does not derive benefit from that,) of not more than one week. Here then is a domestic offence of daily occurrence which the manager has henceforth a direct interest in producing, an offence which will happen in some shape or other in every gang in Jamaica, probably once a month, or once a fortnight: the absence of a negro for half an hour, or even a quarter of a day, must frequently occur. I will read the clause itself: "Be it therefore enacted, that all such offences shall be tried in a summary manner before any justice appointed by special commission, and that any apprenticed labourer convicted of absenting himself or herself from the service of his or her employer without reasonable cause for half or any smaller portion of a day, shall forfeit to such employer not exceeding a whole day's labour of his or her own time, &c."

89. Mr. *Gladstone.*] Without adverting to the exact proportion of time this Act has rendered exigible from the apprentice, is it your opinion it would have been unfair under any circumstances to abstract from the apprentice for wilful absence a greater proportion of time than he was absent?—For the proprietor's benefit, undoubtedly; that they should have been imprisoned for a certain time would have been proper, but they never should have been required to do more than indemnify the proprietor for the loss incurred.

90. Do you conceive that the loss of an hour of the apprentice's time at one period must necessarily be adequately reimbursed by the possession of an additional hour of his time at another?—A great deal would depend upon the manner in which he was employed, but there is a routine of duty on all these plantations, so that he might be compelled to give an hour of his time in the same kind of employment in which he had previously lost an hour.

91. Suppose the case of one intrusted with the care of sugar in a boiling-house, where the absence might be from that duty at the moment when it is necessary for him to be present incessantly; is it not the fact, that very considerable damage may ensue to the process of boiling from that absence, a damage very much greater than would be repaired by an hour of the apprentice's time, even employed in the same work, at another period?—It is possible; but all these extreme cases might have been foreseen, if they were foreseen at all, on both sides.

92. Mr. *O'Connell.*] You think that the excess may be punished otherwise, namely, by imprisonment?—That is my opinion.

93. Mr. *Gladstone.*] You have already answered the question that the excess may be punished otherwise; but admitting your principle fully, that the owner has no claim whatever beyond indemnification, do you not also admit, on the other hand, that there are certain things in which the owner could not be indemnified by merely obtaining the same amount of time during which the apprentice absented himself, and was it not right therefore to leave to the special magistrate a certain discretion of adapting the time to be required from the apprentice to make good the loss inflicted on the owner?—I have my doubts whether such a discretion was left by the Imperial Legislature; but assuming it to have been left, I think it was a very dangerous exercise of that discretion on the part of the Jamaica legislature, to grant a power of that kind to a special magistrate, at the same time that I fully admit there may be cases in which the granting exactly the same period to the master, which has been lost by the apprentice, would not be a full indemnification.

94. Lord *Sandon.*] Your objection would have been greatly removed, if there had been more reciprocity on the other side?—It would have been, I may say entirely removed.

95. *Chairman.*] Do you conceive that injustice is likely to ensue from this power being vested in the hands of the special magistrate?—I think it may; I would point out the 22d to the 26th clauses, by which more than half a day entails a forfeiture of not more than three whole days; now for one day the forfeiture is trebled. I conceive that the legislation would have been much sounder, if the two second days had been spent in the workhouse, or in any such way. I can imagine many cases in which those two clauses may prove seriously inconvenient to labourers; there is nothing more common on a West Indian plantation than the

John Jeremie, Esq.

22 April 1836.

absence of a mother, when she is nursing; or she may remain a quarter or half an hour away, in consequence of her having several children to attend to; formerly, if she had a certain number of these, say six, she was allowed a certain additional time. Mothers were also allowed various indulgences; those, as I shall point out by and by, appear to have been withdrawn, or they may be withdrawn owing to the construction put upon this Jamaica Act; therefore she is tied down to her time as completely as any negro on the estate; and yet, in all instances, she may forfeit for half a day, or even a quarter of an hour's absence, in the one instance three days, in the other one day. Yet are all these indulgences which she actually enjoyed at the time she was a slave.

96. Sir *George Grey.*] Is not the absence to be without reasonable cause, and is not the special magistrate the judge of the reasonableness of the cause alleged by the absentee?—Yes, undoubtedly; but it is giving a special magistrate a power which was unnecessary, and which he should not have possessed.

97. Lord *Sandon.*] Do you not imply a very great distrust in the magistrate, unconnected with colonial property, and appointed by the Crown, in supposing that he will not be a proper judge of the reasonableness of the cause alleged by the absentee?—Distrust of individual power I do not assume; but a general distrust of the exercise of an authority of this kind in a place constituted as the society of Jamaica is, and generally in the colonies, I consider a fair objection in critically examining these enactments.

98. Of course you have taken into consideration that you may always make out extreme cases where there is a maximum of punishment, if you suppose a maximum of punishment inflicted for the minimum of crime?—Yes, and have still an objection to them; but my principal objection is at last an objection arising from the want of reciprocity; if there had been a power of inflicting similar penalties on the manager, that would have removed my objection; but as there is not, I conceive the Jamaica legislature should have been particularly cautious in creating this right against the labourer.

99. Sir *George Grey.*] Are you aware whether the special magistrates are subject or not to the supreme authority of the governor of the colony, who has the power of remitting any sentence imposed by them on any point, or removing them from the commission of the peace, if he thinks they abuse the power intrusted to them?—If the Committee should require me to go into that, I shall give my opinion according to the best of my judgment; but whatever the powers of the governor, the question may next come, as to whether these powers have been duly exercised, and then you may arrive at expressing an opinion of the governor himself.

100. Is the discretion vested in special magistrates subject to any legal control in the colony?—Certainly; the appointment of special magistrates is not for life, and therefore the governor may remove a special magistrate whenever he thinks fit, and the governor in this, as in all other cases, has the prerogative of mercy.

101. Mr. *O'Connell.*] But to obtain any rehearing from the governor, by way of appeal, must be difficult for an isolated negro?—In practice I consider it out of the question in cases of domestic discipline; in serious cases I admit the governor may exercise his authority, and often very beneficially; but in matters of this kind, respecting half a day's labour, the person has paid the penalty before the governor can hear of it, in nine cases out of ten; therefore, though that power is unquestionably vested in him, I consider that, as a practical remedy for defects which relate to points of domestic and internal regulation, it is almost nugatory.

102. Lord *Sandon.*] The power of inflicting imprisonment would have been equally open to abuse on the part of the special magistrates?—Yes; but then there would not be the interest of the master to produce, and to encourage the offence; on the contrary, he would himself have suffered in some degree.

103. Sir *George Grey.*] Have you read the despatch addressed by Mr. Secretary Stanley to the Marquis of Sligo, dated the 20th of February 1834?—I have looked cursorily over the whole of those papers.

104. Does it appear that he felt the same objection to the want of reciprocity to which you have now adverted?—He did, in some degree.

105. Has that been remedied by the Jamaica legislature, and the clause he suggested inserted in any subsequent Act?—Not that I am aware of.

106. Mr. *Gladstone.*] You are understood to urge a particular objection against the use of the word "endanger," in the 30th clause?—I consider it too vague.

107. Do you consider it fair to recognize the principle, that conduct tending to injure the property of the employer in its own nature should be punishable, as well as conduct actually injuring it, though injury might not actually take place?—In these cases I should have my doubts whether the clause should not be more specific; the words are, "endangering by the careless use of fire."

108. Mr. *O'Connell.*] That is an offence which might be committed without the least wilfulness?—A man smoking his cigar near a cane-piece might be within it.

109. Mr. *Gladstone.*] Have you observed the phraseology of the 16th clause of the Imperial Act upon that particular point, the following words: "And for the prevention or punishment of vagrancy, or of any conduct on the part of any such apprenticed labourers, injuring or tending to the injury of the property of any such employer." Do you think the language used in the clause you refer to is more vague than that used in the Imperial Act?—No; but the Imperial Act was an Act laying down certain principles; the Jamaica Act is an Act which ought to have applied that general Act to particular circumstances; therefore, I should expect a greater precision in the one than the other.

110. Does not the clause in the Jamaica Act apply a penalty to a particular case; namely, a careless use of fire?—Yes.

111. Lord *Sandon.*] You apply a different stress to these different particulars?—Yes; I point out what I consider serious objections; these minor objections arise in the course of observation. I do not attach that importance to them, and would not say anything of them if they were not quoted in illustration of more serious ones.

112. Sir *George Grey.*] It is desirable to know whether the objection you have stated as to the careless use of fire applies in whole, or in part, to the terms used by the Imperial Act, or whether you consider the terms used by the Imperial Act wholly unobjectionable?—I stated on a former day that the Jamaica Act might be scrutinized with reference to the law as it formerly stood, with reference to the Imperial Act itself, or with reference to your own views of what the apprenticeship might have been rendered. In giving my evidence before this Committee, I conceive that, unless called on to do otherwise, I am bound to consider, simply, the Colonial Act with reference to the Act of the Imperial Legislature, without expressing an opinion of what I might venture to consider would have been an improvement in the latter Act itself.

113. Mr. *Buxton.*] What is the next point you propose to take?—The next points regard domestic discipline. The most important is this, that throughout the first Jamaica Act, and the subsequent Acts, there is no clause which requires that the labourers should enjoy each day a certain number of hours continued repose; it is an omission.

114. *Chairman.*] Where is that subject treated of in the Imperial Act?—In the 16th clause.

115. Lord *Sandon.*] Do you conceive the distribution of labour prescribed by the Jamaica Act to be at variance with the distribution of labour prescribed by the Imperial Act?—By means of different clauses in the Jamaica Act it is a possible case, and I mention it only as a possible case; by no means as one which has occurred in practice, for I am not aware that it has, and therefore I would not impute it to them; but in combining the various clauses of the Jamaica Act, the hours of labour may be so arranged as to render it possible for a manager, without committing an illegal act, to compel a labourer to work for 42 hours in succession.

116. Which is decidedly at variance with the Imperial Act?—With the spirit of the Act, and with the special provision which requires they shall be duly protected.

117. Mr. *Gladstone.*] Can you point to any passages in the Act which will enable the Committee to verify that assertion?—By combining, of course, the various clauses of this Act. This is owing entirely to the clause to which I objected so strongly before, by which the negro is compelled to labour for his master as a species of penalty. In the first Act there is no regulation whatever; in the second Act, the Act which has been recently introduced into the Imperial Legislature, is this clause: That the negro shall be employed in field labour for nine hours only per day. So that there was no regulation in the old Act, and in the second the regulation extends to field labour only. I refer to No. 1, sections 5 and 6 of the Act in Aid, p. 283 of the Parliamentary Papers: "And whereas it is necessary to regulate," and so forth, "be it enacted, that on all sugar estates, and other plantations, field labour shall commence with sunrise, and terminate with sunset,

sunset, giving such cessation in the middle of the day as, with the usual half hour allowed for breakfast, shall reduce the actual time of labour to nine hours in the day; provided always, that nothing herein contained shall prevent the employer and the labourers from making any other arrangements as to the hours of labour which they may mutually agree upon." Here is my first objection. I do not know whether the arrangement noticed in the proviso must have the consent of the special magistrates.

118. Lord *Sandon*.] Would it prevent the negro being called on to give additional labour in case it were adjudged against him as a penalty?—I should say that it would not.

119. *Chairman*.] Is there anything in the nature of West India cultivation that holds out any temptation to a master to subject a labourer to work more hours continuously than would be consistent with the spirit of the Imperial Act?—It is exactly the argument on which they founded their whole resistance to the abolition of slavery, the necessity for sugar cultivation, or the manufacture of sugar being carried on continuously.

120. Is it necessary it should be carried on continuously by the same hands?—I should maintain not; but still that has been their argument throughout; it is on this that they, so far as I can understand the objections they made to the proceedings of their opponents, have founded nearly their whole resistance to the design of amelioration.

121. Sir *George Grey*.] The Imperial Act limits the duration of time to be given to his employer by the week?—Forty-five hours per week, and they have allowed the local legislature to distribute those forty-five hours as they thought fit, except on the Sunday, which they are bound to give the labourers under all possible circumstances.

122. Are you aware of what is called the eight-hour system in Jamaica?—I have heard of it. I have not sufficient information.

123. Have you not heard that the apprentices prefer the nine-hour system to the eight-hour, though longer each day, on account of its giving them one half day in each week?—I have understood that was the case; but in a place like Jamaica I should think there would be two opinions on such a point, though 99 in 100 of them would prefer the nine-hour system.

124. Mr. *Gladstone*.] With reference to the continuous labour in the manufacture of sugar, in stating the argument used against the measure of amelioration, did not the argument assume this form, that you must have a succession of hands, and that it was very doubtful whether such a succession could be depended on, from the general aversion of the blacks to labour of that description?—The objection, as I understand it, went to the limiting in any way the hours of labour; and in practice, I have always found that the old clauses bearing upon this point, have been more strenuously objected to than any of the others. So it happened with regard to the regulations I introduced in the island of St. Lucia; in their amending Act, there was a clause to this effect, that under every possible circumstance, the negroes should have eight hours continued rest within the 24 hours, and that was warmly opposed. I wanted to make it 10; the planter maintained that he was obliged sometimes to work his negroes for a greater length of time, but that where he did so, he indemnified them afterwards. I replied he could not indemnify them sufficiently for such continuous labour; for the giving them merely the hours he had deprived them of, would not be a sufficient indemnification; to which I added, there was not a planter in the colonies who did not allow they ought to have rest, and if there was no intention to break in upon their necessary rest, there was no reason for making the objection.

125. Mr. *Buxton*.] You have stated that the negro might be employed in labour for a continuous 42 hours; is this the mode by which that 42 hours' continuous labour can be obtained: A negro employed at three in the afternoon on Monday till 12, nine hours; beginning at midnight on Monday night, nine hours; on Tuesday fifteen hours, adjudged in one week for punishment, will carry us on to midnight on Tuesday; the nine hours beginning at midnight on Tuesday, will be the time for Wednesday?—Yes, and those added together make up 42.

126. Sir *George Grey*.] Do you speak of field labour?—No, any kind of labour; it could not take place in field labour; any but field labour; the negro could not be kept constantly in the field 42 hours, but he might be 18 out of the 42 in the field, and the remainder of the time in the sugar-house.

127. Take

127. Take the clause in the second Act, providing that field labour should commence with sunrise and terminate with sunset?—Yes.

128. Could the field labour begin at three in the afternoon and terminate at midnight under that clause?—No; but as there must be nearly two days within the 42 hours, the negro might be brought into the field at the hour pointed out by the second Act; it is barely possible, but I believe it might be done.

129. Mr. *Gladstone.*] Do you conceive the planters of Jamaica, with or without justice, have any inducement to inflict on the negro any such labour?—That is the practical part of the question; I am at present dwelling on the legal part. I should suppose that no human being who has an interest in another, can have a sufficient inducement, on the ground of self-interest, to work him 42 hours in succession.

130. Mr. *Buxton.*] It would be, strictly speaking, legal to employ them in labour, not field labour, for those 42 hours. Supposing the negro felt himself aggrieved by being thus deprived of his natural rest, and he were to complain of that to a special magistrate, is it not in the power of the special magistrate to inflict upon him, in addition to his former punishment, the punishment of 20 lashes for having made an unfounded complaint?—There is a clause of that kind.

131. Sir *George Grey.*] Could the special magistrate inflict such a punishment without believing the complaint to have been unreasonable or unfounded?—I should think not; I presume that a special magistrate, like every other magistrate, will do his duty, and I conceive it would be a very proper thing for the governor to notice if he did.

132. Would any magistrate in the sound exercise of a summary jurisdiction impose, until a check was put upon him, a very inordinate punishment for a trifling offence?—Undoubtedly not.

133. Does not it resolve itself into the discretion of the magistrate in ordinary cases being controlled by appeal to the governor?—No, for a special magistrate is only entrusted with the power of adjudication, the carrying the judgment into effect is left in those cases to the manager; all the special magistrate can do, is to inflict 15 hours' additional labour for the week, and as to the manner in which that labour shall be apportioned, it is the manager who distributes it.

134. That is your opinion?—I conceive he may do it.

135. *Chairman.*] The observation you have made does not apply to the case you have supposed of a magistrate inflicting 20 lashes?—As to the 20 lashes it does not.

136. Sir *George Grey.*] The question was whether, if a labourer was liable to 42 hours' continuous labour, and he was to complain to a special magistrate, the special magistrate might not sentence him to 20 lashes for an unreasonable complaint; would he not, by inflicting such sentence, grossly abuse his power?—Certainly.

137. Does not the question resolve itself into a question of the discretion used in the exercise of the power vested in the special magistrate, and whether he had not so abused his power as to be liable to the censure of the governor?—Yes, as regards the lashes.

138. Mr. *Buxton.*] Though the magistrate might be liable to the censure of the governor, would he be liable to any legal penalty for having imposed this punishment?—He would not be liable to any legal punishment.

139. Sir *George Grey.*] Could he not be deprived of his commission?—Any officer who is merely commissioned during pleasure is liable to be deprived of his commission.

140. *Chairman.*] Does not he stand in precisely the same condition as a magistrate in England would do, who inflicted a punishment not proportioned to the offence of the individual?—Yes, and with this circumstance against him, that the magistrate in England can scarcely be deprived of his commission so easily as a special magistrate might.

141. Mr. *O'Connell.*] Is a magistrate in England controlled by public opinion?—Yes, and there is greater control here than in the West Indies.

142. Are you aware of the manner in which magistrates conduct themselves in Ireland, for example?—I have heard of it.

143. The presumption that the magistrate will do his duty may be exceedingly weakened by circumstances, may it not?—Undoubtedly it may.

144. Mr. *C. Lushington.*] Supposing a special magistrate was guilty of this sort of act of injustice and cruelty, according to the habits of the society by which he is surrounded, is it likely that his conduct would be brought before superior

John Jeremie, Esq.

22 April 1836.

authority?—I am bound to say I have never visited Jamaica, but, if I may draw an inference from other slave colonies, I should say it was not.

145. Sir *George Grey.*] Is it not the fact, that every special magistrate is bound to make a return to the governor of every punishment he inflicts, and the cause of inflicting, so that his conduct must go before the governor irrespective of any complaint?—I am aware that he is now bound to do so, but for a short time after the passing of this Act it was not so.

146. Mr. *Buxton.*] Supposing there to be this return to the governor, would not the special magistrate put it down as 20 lashes inflicted for having made a groundless complaint?—Yes, he might.

147. Sir *George Grey.*] Would it be a groundless complaint in point of law, in your opinion?—No, because there is always the common law which prohibits cruelty, but it would be a groundless complaint in regard to this Act.

148. Have you any doubt it was a case of cruelty?—No; I conceive it is a case of cruelty certainly.

149. Does not the 49th section of the Jamaica Act give special jurisdiction to the magistrate in case of cruelty?—Yes.

150. Can then a complaint made by an apprentice of an undoubted case of cruelty be a groundless complaint under the Jamaica Act?—The original question has branched out into two others; the question originally put was whether the magistrate would not return it as a groundless complaint; the answer was, that he might so return it; and the reason of this answer is, that if he has adjudged it a groundless complaint, he will have so inserted it in his report; but that it is a groundless complaint, in fact, I am not prepared to admit. I should consider it a well-founded complaint; but the magistrate having, on the hearing of the case, formed another opinion, and declared it a groundless complaint, I infer that he will have so inserted it in his report, and the governor could have no clue from such a report whereby to judge of it or to control him.

151. By the 49th section of the Jamaica Act, is that a groundless complaint in point of law?—I conceive it is not; it is an act of cruelty punishable by the common law.

152. Mr. *O'Connell.*] Is it your opinion that would be a groundless complaint or not by the Jamaica Act?—Taking the Jamaica Act alone, and with reference to the clauses relating to the labourer, it would be a groundless complaint, as it would not be a complaint of any illegal act.

153. Sir *George Grey.*] Having reference, not to the clauses relating to the labourer, but to the 49th clause, which gives a jurisdiction to the magistrate as against the manager, would it be a groundless complaint under that clause?—I have very strong doubts; the 49th clause only confers jurisdiction over the manager, while the other clauses relate to the labour required of the apprentice; and in that specific clause which has reference to the labour of the apprentice, no provision having been made by which the manager cannot exact the 42 hours in succession, (taking that as the only law of that country,) it would be a groundless complaint; but taken with reference to the common law, I should say it would not be groundless, for that punishes extreme cruelty.

154. Your opinion is, that under the Jamaica Act, the continuous employment of an apprentice for 42 hours, without some rest, would not be an act of cruelty and injustice, or injury?—That it would not be illegal.

155. Do you think the continuous employment of a labourer for 42 hours is not such a case of cruelty, injustice, wrong or injury, as, under the 49th section, would allow the labourer to come to a magistrate and make a complaint to him of the exercise of the power?—I beg to say, in answer to that question, that under the Jamaica Act it would not; under the general law of Jamaica, it might. I mean the law of the land, the common law.

156. Mr. *O'Connell.*] Is it your opinion that that would be an indictable offence which did not exceed the legal bounds of one man's power over another?—There again, even in that sense, it is a very difficult point; indeed I have a very strong impression with regard to it.

157. Lord *Sandon.*] Is there any law which exactly defines what cruelty is?—No.

158. *Chairman.*] Would not the special magistrate punish the employment of a man such a length of time as that as an act of cruelty?—Not beyond 5*l.*, and even then it would depend on his interpretation of cruelty.

159. Mr.

159. Mr. *Buxton.*] Though it would be regarded as cruelty by proper feeling in this country, it would not be regarded as cruelty in the contemplation of the colonial law?—In the contemplation of this Jamaica Act; I do not go beyond these two Acts; it would not under the Jamaica Acts which I am now examining.

160. With reference to the checks imposed on magistrates in England and in Jamaica, do not you think there is this difference, that popular feeling here controls the acts of magistrates, whereas popular feeling there may very much side with the perpetrator of those cruelties?—I am convinced there is not the same popular control over the acts of officers in public authority, particularly in these matters, in such communities, as there is in England; but, as I have already said, with respect to Jamaica, I can only judge of the condition of society there by hearsay.

161. Might it not be necessary and proper to introduce checks into the existing law in Jamaica that are not necessary here?—I conceive it was for that very purpose the 16th clause was introduced into the Imperial Act and this law framed.

162. Lord *Sandon.*] There is also this distinction between the dismissal of the Jamaica magistrate and the magistrate here, that the dismissal of the one is merely a dismissal from an office of honour, and the other involves the loss of income?—Certainly.

163. Sir *George Grey.*] On what do you found your opinion that the fifteen hours' additional labour a week which may be imposed by a special magistrate is left to the manager, and that it is not subject to the discretion of the magistrate?—I do not say it must be left, but that, there being no clause to the contrary, it may be left.

164. You think that the master may in legal conduct apportion that 15 hours' additional labour as he thinks most suitable to the circumstances of the case?—I see nothing to prevent his doing so.

165. Lord *Sandon.*] You feel yourself bound in construing the Act to make every possible objection?—I cannot see the necessity of a law being passed, but to guard against abuse, and that omission might have been so easily supplied by allowing a certain number of hours continuous repose.

166. You would not impute every possible opening to abuse you may observe to a wicked intention on the part of the legislature that such abuses should be allowed to prevail?—No, I say most willingly that I certainly would not; I consider this a very serious omission, and therefore quite sufficient to warrant my calling very earnestly the attention of the Committee to it; but I view it as an omission, and nothing more. Indeed, all the objections I am making I view much in the same light; I view this Act as a piece of defective legislation; nor can I assume there was an intention of perverting or counteracting the Act of the Imperial Legislature, however defective it may be in many points. I also consider that some of the subsequent Acts have been framed in a wrong spirit; but if I am to take this Act singly, I do not know that this objection applies to it.

167. Mr. *Buxton.*] Do you confine your objections to the Act being defective, or might not those powers be held over the negro for the purpose of extortion?—I do not think that at the time this Act was framed, the legislature of Jamaica (as regards this section) had any such object in view; but with regard to some points I may hereafter notice, I think they might. On this point I must fully admit they had no such intention, for this reason, that it is not a case which would have struck the person who drew up these clauses as being likely to occur; that it is only on a critical examination of this document, and by combining its various clauses, that I see the powers conferred for different purposes are open to this abuse. Now when a public body such as the House of Assembly is legislating on any subject, omissions of this kind may easily occur unintentionally; but when from a fair construction of the words, it appears tolerably palpable that abuses will creep in, then I should, especially if this be often repeated, impute design.

168. Might it not be used, though not so intended by the legislature, as a means of extortion?—Undoubtedly, and that is my reason for urging it on this Committee.

169. Was not this clause framed obviously to deter apprentices from making just complaints?—That would be a proof of intention on the part of the legislature; I think it may be so applied by individuals, as to deter apprentices from making just complaints, and that is where I see it is defective, and why I dwell so anxiously upon it; but I do not know that I can give it as my opinion that it was framed for that particular purpose.

John Jeremie, Esq.

22 April 1836.

170. Mr. *Gladstone*.] Have the goodness to suppose the case of an apprentice who for an offence has been sentenced by a special justice to give to his employer fifteen hours of labour, and the special justice has made no award of that fifteen hours over the several days of the week; suppose the apprentice says I will not work for fifteen hours in one day, I will work two and a half on each of the six days; do you conceive that an apprentice taking that course does not satisfy the sentence, or that he can be liable to any detriment or injury on that account?—I should think that a negro who would apportion the share of his own time, which he has been adjudged to forfeit to his employer, in that way, would be immediately liable to punishment for disobedience.

171. Do you think that the command of the special magistrate being, that he is to give fifteen hours within the week, he can be liable to punishment if he gives the fifteen hours within the week, distributing them as he pleases?—Undoubtedly; he is a subordinate, and where a superior authority has not given specific directions, it is then the authority immediately over him that may make such arrangements as he sees fit.

172. Is not the authority which the master exercises in reference to those 15 hours of labour, an authority limited by the conditions under which the special magistrate has given the sentence?—Yes, but I understand the question to apply to cases where the magistrate had not distributed them.

173. Is there any further specification in the sentence than that the labour should be given within the week?—No, but it is for the employer's own benefit.

174. Is not the sentence satisfied if the apprentice gives the 15 hours within the week?—Not if he disobeys his master as to the time when he is to give it. It is for the master's benefit that the 15 hours are awarded, and that is one reason why I object to the penalties thus enuring to the master's profit.

175. Supposing the circumstances as we have before supposed them, and that 42 hours of labour were exacted from the apprentice continuously in one week, do you not think that the apprentices can have it in their own power, by refusing to work for wages during extra hours, to inflict, at particular seasons of the year, a very severe punishment on their employers for such conduct?—They have a right to refuse everything that is a matter of contract, of course.

176. But have they not it in their power by such refusal to cause very great and serious detriment to the property of their employer?—I do not know how they can.

177. During the manufacture of sugar in crop time?—No, except it be ascertained that the proprietor can find no one else to work for wages throughout the colony.

178. Is it your opinion that a proprietor can get in his crop sufficiently without paying wages to negroes for their extra time?—To his negroes I should say yes, for there are working gangs nearly all over the West India colonies, whom he may hire from their proprietor whenever he thinks fit; and I further believe that, in many cases, if the time allowed by law be justly distributed it will not be necessary to pay wages.

179. Would he not, by calling in a task gang, be put to additional expenses?—I should hope not, if he gives his negroes fair wages he gives them the same wages as to the task gang.

180. Sir *George Grey*.] Although those task gangs apply to the present case, they would not be applicable to a general one?—I consider the case an extreme one.

181. Are you aware whether the extra labour is paid for in Jamaica?—Practically, I am not aware of anything relating to Jamaica.

182. Are you not aware, that on the majority of estates extra labour has been performed?—I suppose it will have been performed, but I am only answering from supposition.

183. Mr. *Buxton*.] Supposing a negro were employed continuously for 42 hours, and supposing a special magistrate cognizant of this law were to inflict a punishment on him for making a frivolous and groundless complaint, would that magistrate expose himself to an action of damages from the negro?—No.

184. Sir *George Grey*.] Are you aware that there is a very considerable discretion vested in a judge in England with respect to the punishment for manslaughter?—Perfectly.

185. You are aware that there is sometimes a fine of 1*s*. on the prisoner being discharged, and sometimes transportation for life. Suppose a case that deserved to be visited with the fine of 1*s*. and the prisoner to be discharged; that the judge,

judge, in the exercise of his discretion, should pass the sentence of transportation for life; would he be liable to an action for damages on the part of the prisoner?—I consider that the judge, like every other judicial magistrate, is merely responsible for acts which are exorbitant in themselves, being both illegal and exorbitant; but in questions so exceedingly doubtful as this is, both as regards the common law and statute law of Jamaica, I should say that a magistrate, exercising his discretion, would not be responsible in damages.

186. Mr. *O'Connell.*] Anything that a judge does judicially, you are aware, cannot be subject to damages; it is only where a magistrate acts ministerially?—Not even then, if he do not exercise an undue discretion; he must act illegally.

187. Sir *George Grey.*] Does not the vesting a large discretion in any public officer involve, of necessity, the possibility of an abuse of that discretion in the first instance?—It does.

188. Mr. *O'Connell.*] Therefore there ought to be as little discretion left as possible?—Certainly; in these Acts particularly.

189. Mr. *Buxton.*] I have asked you whether the negro might have his action of damages against the magistrate, if he inflicted a punishment on him for complaining of having been employed continuously 42 hours; but supposing the justices were to convict the master of cruelty for continuous employment of the negro for 42 hours, would the master have his action of damages against the magistrate?—I think he would; it is very probable that he would; and I think, in Jamaica, he would successfully, if what is reported of Jamaica society be true.

190. Sir *George Grey.*] I understood you were speaking of the legal right, not of the state of feeling?—The right of action.

191. Mr. *Gladstone.*] There would be a right of action on the one side and not on the other, supposing the two alternatives of the case?—Yes.

192. Taking it in each alternative of the case respectively, you think the master would have the right of action and the labourer not?—I think the manager would have a right of action against the special justice if he were fined, or punished with five days' imprisonment under this Act, for having done what is legal in itself; and that it is legal in itself, on a sufficient consideration of this subject, I should be inclined to think; whilst, on the contrary, the labourer would not have a right of action, for the same reason, that the Act was legal in itself.

193. Sir *George Grey.*] Are there any clauses in this Act affording special protection to magistrates in respect of actions brought against them in the discharge of their duty?—Yes, by the Act in Aid.

194. Mr. *O'Connell.*] Be so good as to state all the circumstances of protection, such as additional forms and notices.—They are the 11th and 12th and 13th sections; see page 284.

195. Of what Act?—The Act in Aid, 4th of July 1834, the expired Act. No action or suit shall be brought against any special justice, unless notice of bringing such action shall be served for one month previously to such action being brought. If the verdict be for the defendant, or the plaintiff therein shall be nonsuited, or such action shall be discontinued for want of going to trial, the plaintiff shall pay treble costs. The clause respecting tendering amends comes next, and then it is enacted that no action or suit shall be brought for any matter or thing done unless the same shall be commenced within six months after the cause of action shall have accrued.

196. Sir *George Grey.*] Do you consider that protection as a sufficient protection in ordinary cases where special magistrates have actions brought against them for acts done in the discharge of their duty?—I am perfectly satisfied with these clauses as far as they go, though I believe objections have been raised to them, and I think the special magistrates will never be completely protected so long as they remain liable to an action at all, before a Jamaica jury and a Jamaica bench.

197. I want to know what alteration you would suggest which, in your opinion, would give full and adequate protection to special magistrates in the discharge of their duty?—I would have them tried by the governor, chief justice, and any other principal officer of the government, not being a slave-owner.

198. Instead of by a jury?—Yes.

199. Mr. *Gladstone.*] You have directed the attention of the Committee in the early part of to-day's examination to the inadequacy of the remedy on behalf of the apprentice for the grosser injuries committed against him in particular, inas-

much as the remedy must be through the medium of a jury; can you suggest to the Committee your own ideas as to the manner in which a sufficient remedy might be procurable of competent authority for the apprentice in such cases?—Yes, certainly. In the Order in Council which I had framed, or the draft rather, carrying out the system of apprenticeship as I contemplated it originally, I had given the special magistrate larger powers as regards both the labourer on the one hand and the manager on the other, (because I wish it to be ever understood that I do not so much object to the penalties inflicted on the labourer for their extent or severity as to the want of reciprocity,) but I had also provided that courts of quarter sessions should be held by a certain number of special justices, and in those courts the graver offences committed by both labourers and managers could have been punished by heavier penalties.

200. But do you think that those courts of quarter sessions can be considered tribunals adequate for the trial of the gravest class of offences?—No; transportation and death, I would never confer the power of inflicting, to any but the ordinary tribunals of the land; but still there is an immense difference between penalties of that kind, and a penalty of 5 *l.* I think that a court of quarter sessions, constituted as I should recommend, might have been authorized to award a penalty to the amount of 100 *l.* or 150 *l.*, and imprisonment for three, or even six months; and to inflict also that very proper stigma which attaches, occasionally, to persons condemned under the French or the Spanish laws, that they should not again have the management of slaves within the colony or district where they have committed the offence.

201. While you think, then, that the courts of quarter sessions would be very fit to try the intermediate class of offences, you do not see any immediate remedy for the difficulty under which the apprentice labours with respect to the highest class of offences?—I consider that those are entirely foreign, I may say, to the condition of the apprentice; for instance, if an apprentice is murdered, then the punishment is inflicted, not in consequence of these Jamaica Acts, but under the general law of the country; the man is tried for murder; and so with regard to all these graver offences. It is one of the causes of complaint against this Act, that it enters on matters which have no immediate reference to the condition of the manager and apprentice; and, of course, that complaint would be still more marked, if matters of so grave a nature had been even noticed in an Act of this kind, which is entirely an exceptional enactment.

202. At the same time you are aware, that complaints have very frequently been made of the disadvantage under which the negro population labour, even with reference to that most serious class of offences to which you have adverted?—Yes; but I have always considered the law of the land sufficient to punish them; that this remedy was at least the best that could be devised, and that the inconvenience would be greater in authorizing exceptional tribunals to take cognizance of these cases.

203. Mr. *Buxton.*] Seeing the persons of whom the juries are composed, and knowing the kind of influence that prevails over them, do you apprehend that substantial justice could be expected in cases in which the negro and his master were concerned?—On all questions of domestic discipline, and on all matters which have reference to the relation between manager and apprentice, I should distinctly say not, if colonial society is in Jamaica what I have known it in other places.

204. Sir *George Grey.*] Should you have confidence in Jamaica juries, supposing the apprenticeship to be at an end?—I can say nothing of Jamaica juries; if the question be put as to colonial juries, I can answer it.

205. Well, colonial juries; do you think colonial juries, as at present constituted, would be a tribunal such as you would place confidence in, on questions arising between white men and black, irrespective of the apprenticeship?—I do not know exactly how colonial juries are constituted at present; but if there is no objection to black men being introduced into those juries (as there is to apprentices), I see no objection to them; my objection is, that now they are all of one class. If apprentices were admitted into them, I should see no objection then.

206. Lord *Sandon.*] Men of colour are capable of serving on juries in Jamaica?—Yes, but then comes the question, whether there are a sufficient number of men of colour in the class of jurors.

207. If there are?—My objection is to persons of a particular description trying offences committed by others of the same description on another class of beings.

208. You are aware there are two or three in the legislature of Jamaica?—Yes.

209. Mr. *Buxton.*] May they not be slave-owners themselves?—Yes.

210. Mr. *Gladstone.*] When you speak of colonial juries, are we to understand that you speak of them as you would of any other men in a country where the relations of whites and blacks have been those of master and slave?—The objection in all these cases is simply this, that if the body before which these cases are brought, happen to be all of one class, and the plaintiff or defendant is of the same privileged class, while the opposite party is of another, they will lean in favour of their own class, and especially in communities where a power so exorbitant as the slave owner formerly possessed, has been recently exercised.

211. Sir *George Grey.*] Do not objections arise out of the state of slavery which has existed in these colonies?—Yes, and therefore I was particularly anxious that these Acts should be most carefully worded and framed. There would have been no necessity for all this caution, if slavery had not existed so long in these communities. Many of its prejudices will continue when it is removed.

212. Do you not think, irrespective of these Acts, many of these evils are now so engrafted into the social system which has arisen out of a state of slavery, that they will subsist after the apprenticeship has expired?—I have said so, and that is precisely my reason for wishing these special magistrates had been vested with power to punish managers; they will scarcely be punished at all.

213. Mr. *C. Lushington.*] Supposing a man of colour serving on a jury to be actuated by a certain degree of bias, to which side do you suppose that bias will incline, the master or the negro?—Nine times in ten to the master; before he can get on the the jury he will be a proprietor in some way or other.

214. Mr. *Buxton.*] You have said that many evils must necessarily arise out of the state of society which had subsisted; do you conceive that, in reference to the inequality of station and rights between the master and apprentice, to the character and feeling of colonial juries, and to the state of popular opinion in the colonies, that a system of apprenticeship admits of adequate and legal protection being provided for?—If the question applies to the system of apprenticeship as provided by these Acts, I should say adequate protection had not been afforded to the negro; if I am asked whether adequate protection could be provided, then I am not prepared to say that it could not to a much greater extent than it is here, though the enactments must be such that no colonial legislature would think of passing them.

215. Are not the negroes in fact, while apprentices, labouring under the same kind of legal incapacity as minors, married women, and lunatics, and therefore do they not require more than ordinary legal protection?—They require more than ordinary legal protection, as does every individual who is in the power of another.

216. Mr. *Gladstone.*] Do you not see an indication of a spirit in conformity with the opinion you have just uttered in the appointment of special magistrates, for the purpose of giving them such legal protection?—There is, but the question resolves itself into this: has that been carried far enough to afford adequate protection to the negro; it is a question of degree.

217. Sir *George Grey.*] Was not that principle recognized in our Imperial Act?—No; because the Act did not provide that the special magistrate should not be a slave-owner; and if the special magistrate be a slave-owner, then the principle is not recognized. In the Imperial Act I do not see this laid down anywhere; and, in point of fact, I find by these Parliamentary Papers, that persons who were slave-owners have held commissions in many parts of the colonies; therefore I may safely say it was not recognized; but it is now.

218. Mr. *Buxton.*] You have complained that the planter is subject only to a penalty of 5*l.*, or an imprisonment of five days; is that 5*l.* sterling, or 5*l.* currency?—It would matter very little with regard to me, for I would not be satisfied with 50*l.*; however, it is currency.

219. Are you aware that 5*l.* currency is about 3*l.* sterling?—Yes; here is another instance of inequality taken from the Act in Aid; any person, not being an apprenticed labourer, who shall remove, or assist in removing any apprenticed labourer from this island in any boat or vessel, without the written consent of his or her employer, such person shall, for every apprenticed labourer he or she shall

John Jeremie, Esq.
22 April 1836.

remove, or assist in removing from this island, forfeit the sum of 100 *l.*, current money of Jamaica, to the use of the employer of such apprenticed labourer, to be recovered as servants' wages, before any two justices of the peace.

220. Lord *Sandon.*] That is under the summary power of the special magistrate?—Of their own ordinary justices; and why so? Because this goes to the employer; whereas, when the labourer is to be protected from the manager, they give the Crown 3 *l.* sterling, and send him to the courts of law for any other remedy he may find there.

221. Sir *George Grey.*] That is intended as an indemnity to the employer for the loss of the labourer and his services?—It is, shall remove or assist in removing.

222. Do not you think the removal must be complete?—Yes, I should feel inclined to think so. Here is another which I wish to call the attention of the Committee to: "that if any person shall harbour, conceal, or clandestinely or fraudulently employ any apprenticed labourer who may be absent from the service of his or her employer without leave, every such person so offending shall for every such offence, upon conviction thereof before any two or more justices of the peace, in case the party complained of be not an apprenticed labourer, and if an apprenticed labourer then before the special justice of the district on the complaint of the employer or employers of such apprenticed labourers, be adjudged to pay and shall pay to the person or persons entitled to the services of such apprenticed labourer the sum of 10 *l.* current money of this island, for each and every such apprenticed labourer so harboured, concealed, or clandestinely or fraudulently employed, and the further sum of 10 *s.* like current money per day for each and every such apprenticed labourer, for each and every day or part of a day such offender or offenders shall be proved to have been so harboured, concealed, or fraudulently or clandestinely employed. And upon the hearing of such complaint it shall and may be lawful for such justices of the peace, and they are hereby authorized and empowered, if they shall see just cause, to examine the party complained against upon his or her oath touching the matter of such complaint." Here then is a confession extracted from the party complained against on his oath. The sum awarded in consequence of this information goes to the employer, is levied by summary process, and is twice the amount awarded for the gravest offence that could be committed against the labourer; besides which, there is an indemnification of double the value, at least, for every day that this man may have been so concealed.

223. Lord *Sandon.*] It is not so much against the justice as the deficiency on the other side?—Yes.

224. Mr. *Gladstone.*] It is possible that the abstraction of the services of an apprenticed labourer might be of immense value?—It is the contrast that is glaring; and the regulation that the party accused is to be examined on oath is a very extraordinary thing in a penal enactment. I believe that many will consider the examination of a party an improvement; but that he should be examined on oath against himself is a novelty, and is contrary to every principle; it is going back to the old French law of 1671.

225. Mr. *C. Lushington.*] Suppose a negro be removed against his will, and he suffered injury in consequence, what redress can he obtain for such forcible removal and injury; is he considered merely as a chattel?—For any kind of injury that may affect the negro, the only sure remedy he has, the only remedy he can rely on, is 5 *l.* currency, to be levied by direction of a special magistrate, and he may have an action; but then the damages will be assessed by a colonial jury.

226. Sir *George Grey.*] The question was, whether supposing a third person?—With regard to a third person he is free. He has the usual remedy for false imprisonment; he is a free person.

227. That clause which imposes the 5 *l.* penalty does not apply to that case?—No, it does not.

228. Mr. *C. Lushington.*] There is no special redress to the negro removed under such circumstances?—No.

Sabbati, 23° die Aprilis, 1836.

MEMBERS PRESENT.

Mr. H. Labouchere.
Lord Sandon.
Mr. Thornely.
Mr. Fowell Buxton.
Sir George Grey.
Mr. Charles Lushington.
Mr. Andrew Johnstone.
Mr. William Gladstone.
Sir James Graham.

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq., called in; and further Examined.

John Jeremie, Esq.
23 April 1836.

228*. Mr. *Buxton.*] WHAT is the next point which you propose to take?—That the negro is deprived of all indulgences he was entitled to by usage when he was in slavery, and therefore in this respect he is in a worse position than when he was a slave. I beg leave to call the attention of the Committee to the 11th enacting clause of the Imperial Act as compared with the 16th clause of the 1st Jamaica Act, which will be found in page 275 of the Printed Papers. By this Act of the Imperial Parliament, it was enacted "that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances, as by any law now in force in the colony to which such apprenticed labourer may belong, an owner is required to supply to and for any slave being of the same age and sex." I take the purpose of the Legislature in framing the clause, to have been to allow the slave to enjoy all the rights that he possessed under any law then in force in any of the colonies. Now by immemorial usage, which I consider to be in effect equal to any written enactment, the negro in Jamaica had a right whilst a slave to various advantages which he has been deprived of as an apprentice, in consequence of the enactment contained in the 11th section of the Imperial Act being narrowed to one single law in the Jamaica Act. The 16th section of the Jamaica Act is as follows: "And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and are and is hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as by an Act intituled 'An Act for the Government of Slaves' now in force in this island, an owner is required to supply;" therefore by this new law the privileges of the negro are narrowed to those set forth in one particular Act.

229. *Chairman.*] Do you mean to express an opinion, that it was the intention of the Legislature, that the slave in Jamaica should be entitled thereafter to any allowances or indulgences which were by law secured to a slave in any other colony?—No, certainly not; but to that which was by immemorial usage (which I consider a law in itself) secured to the slave in the island of Jamaica.

230. Lord *Sandon.*] The gist of your observation is, that usage has not been considered a law?—That the enacting clause, by confining the allowances to those granted by one particular Act, has enabled the planter to throw off the burthen of providing them with other things they invariably gave them previously, but which were not specified in that particular Act.

231. Were there other Acts under which they enjoyed other advantages, or were the other allowances enjoyed by custom only?—By custom or by immemorial usage; and these indulgences, as they are now called, (but which I conceive were rights, for I think they have been enjoyed from a remote period, a period the commencement of which cannot be traced,) those allowances are exceedingly important; they are "a weekly allowance of herrings, salt cod-fish, oatmeal, flour, sugar, rum, and sundry articles of clothing, at Cropover and Christmas;" and to "women with six children, a weekly or daily allowance, according to their respective cases, of rice, sugar, &c.," and these et cetera, by immemorial usage, also comprised, I have reason to believe, the time allowed to a mother nursing, and the employment of a certain

John Jeremie, Esq.

23 April 1836.

number of the negroes in cooking and preparing the labourers' meals; for up to the period when the apprenticeship system was introduced, while the larger portion of the gangs were in the field, a certain number of younger or feebler negroes were employed in preparing and cooking the labourers' meals, so that they had them ready the moment they returned from the field, and could then take their rest for the remainder of the interval allowed.

232. From whence do you take that?—I take this from the memorial, but it is chiefly extracted from a case submitted by the planters of Jamaica themselves to a very eminent barrister in Jamaica on one side, and to the attorney-general on the other. Now all those allowances are withdrawn, or at least a construction has been put upon the Act by which they may be withdrawn.

233. Lord *Sandon.*] All the allowances you refer to depended on usage, and are not found in the Act?—Yes; I maintain that, under the words of the Imperial Act, which generally comprised all laws affecting Jamaica at the moment that Act passed, it never can have been the intention (at the moment, especially, when they were conferring important advantages on the negroes, and limiting the period of apprenticeship) to withdraw nearly every indulgence which rendered their condition tolerable; particularly indulgences granted to mothers nursing, or mothers of six children, or such as allowed field labourers to have their meals cooked, or by which they were supplied with rice, oatmeal, flour, and, above all things, with the allowance of herrings, or salt cod fish.

234. *Chairman.*] Do you mean to state that those allowances and indulgences have actually been withdrawn, or is your complaint confined to the legislature of Jamaica having declared that they cannot be legally enforced?—In this case it applies to both, if the information derived from the planters themselves is to be relied upon; if it be true that a construction has been put upon their own Act (not by the legislature of Jamaica, but by the bar), which has been acted up to by many, I do not say all.

235. Lord *Sandon.*] Are you aware whether those allowances were uniform; whether one common usage prevailed over the whole island?—I think I can assume, from my colonial experience, that all allowances of this kind vary occasionally in degree; but rights of this kind were possessed on all the estates; in some cases, perhaps, they might have had one hour more than in others; and throughout many of the islands, for instance, in the island of St. Lucia, there were enactments which secured those rights to the negro, very old enactments indeed; but that there was a uniformity of practice which the question I am now answering clearly pointed at, I will not assert.

236. Mr. *Buxton.*] Was not there a minimum of allowances to which all the slaves on all the estates were entitled?—I conceive there was not an estate in the West Indies where allowances of this kind, though perhaps differing in degree, and in their particular nature, were not made to the negroes.

237. Lord *Sandon.*] You mean, then, to give the validity of law to customs varying on each particular estate, which apparently depended on local circumstances, and on the disposition of the masters from time to time?—This Act might have been so drawn up, certainly, as to protect the negro in this particular; for instance, "and such other maintenance and allowances as by the Act referred to, and by immemorial usage;" those words, if inserted, would have covered everything.

238. Supposing those usages depended upon the will of the master of each estate, and that it depended on the will, not only of the master of each estate, as between each other, but between father and son; how would it have been possible to give the force of law to a usage which, in that case, could hardly be considered immemorial?—No; and therefore, perhaps, there might have been some difficulty there, which could still have been obviated by stating distinctly in this Act what should be considered a fair allowance in future.

239. What Act do you refer to?—The first Jamaica Act.

240. In fact, you think that the Legislature might and ought to have made a sort of supplementary code with regard to indulgences derived from the usage of the island?—Yes, or the law of other islands; for that which was usage there was law in Demerara, at St. Lucia, and in Trinidad, and especially in the enactments of the old Spanish and French laws; they should therefore have introduced clauses tantamount to those found elsewhere, or which would have afforded the allowances invariably

invariably given previously, whatever those might be; thus a sort of average would have been struck, and a uniform scale established in the different plantations.

241. A minimum would have been established?—Yes.

242. Mr. *Gladstone.*] Is not the objection you have now urged rather applicable to the construction of the Imperial Act than of the Colonial Act?—It may be so construed, though the words are, "and they are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances, as by any law now in force;" then I certainly conceive an usage of some kind having obtained from time immemorial, there was a law under this Act; and therefore, if there remained any difficulty as regarded uniformity, it might have been settled by the Jamaica Act.

243. Do you not think there is a clear and palpable distinction between law and such an usage as this?—Immemorial usage is undoubtedly a law in all countries, and it was clearly the intention of the Legislature, I conceive, to secure to the negro everything he possessed by immemorial usage; in short, the intention of this clause, as far as my own judgment goes, is to grant to the negro every indulgence which he had been accustomed to in that particular colony.

244. Do you suppose it was intended that, under the apprenticeship, he should have by positive legal enactment, that which he had previously had in the form of favour?—I maintain that it could scarcely be considered a favour, that it rather partook of a right; but I shall further say, that even in that sense, had the Imperial Legislature conceived for a moment that the cod fish or herrings, that the right conceded in most of the other colonies to a mother of six children, to remain for at least one hour behind the others to nurse them, had been mere matter of favour, they would certainly have made such an enactment as would have secured them to the negro in future.

245. The fact that such indulgences were matter of legal enactment in other colonies, did not render it imperative upon the legislature of Jamaica to make them so in Jamaica?—If that 11th section of the Imperial Act be taken in connexion with the 16th of the same Act, it appears to me it will be found to have been imperative on the legislature of Jamaica to protect the apprentice in this particular.

246. Have the goodness to point out the words to which you refer.—The wording of this clause is very important: "And whereas it will also be necessary for the protection of such apprenticed labourers as aforesaid, that various regulations should be framed and established in the said respective colonies for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances as they are hereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles, in cases where the laws at present existing in any such colony may not, in the case of slaves, have made any regulation, or any adequate regulations for that purpose;" and here they should certainly have introduced an enactment which should have secured rights so important to the slave as those he had hitherto enjoyed.

247. You conceive by the 16th clause there was a permissive power given to the legislature of Jamaica, on behalf of the apprentice, which power they have not thought fit to exercise?—I find the words, "if it be necessary" for the protection of the negro, then they shall exercise this power; and if it be admitted that the protection of a mother nursing, and the distribution of a certain supply of cod fish and herrings, and certain other things which had been given, were necessary for the negro, it was their bounden duty to frame such a law as would entitle the negro to them of right.

248. The expressions of the clause to which you refer are in the preamble; but the enacting part of the clause is permissive, is it not?—The enacting part of the clause is permissive throughout; but then we always return to the original question, Has the local legislature fairly fulfilled the intentions of the Imperial Legislature, when they confided this subsidiary authority to them? because the whole is permissive; and, therefore, I submit it can scarcely be maintained, that if the local legislature had done nothing, they would have been acting up to the spirit of the enactment.

249. Independently of the 16th clause of the Imperial Act, in your opinion, even under the 11th clause, taken alone, the 16th clause of the Jamaica Act does not satisfy the positive enactment of the Imperial Act?—I am of opinion that the 16th clause of the Jamaica Act does not meet the intentions of the British Legislature as set forth in the Imperial Act, taking the Imperial Act as a whole, and explaining

explaining the 11th clause by the 16th. The 16th merely shows, according to my conception, that my original interpretation of the 11th was the correct one.

250. *Chairman.*] Are you able to state to what extent you conceive those indulgences and allowances to have been prevalent in the island of Jamaica?—I could only state from information, and it is probable that information will appear directly before the Committee; I should prefer confining myself in matters of practice to those colonies with which I am conversant.

251. Mr. *Gladstone.*] Supposing those allowances were kept up at the abolition of slavery in the form of indulgence, and also supposing there was generally, on the part of managers of estates, no disposition to withdraw them, would it not in that case have been a hardship on the owners and managers of estates that they should be compelled to give, under the form of law, what previously they had been in the habit of giving as indulgences?—I confess I do not see, if it was a fair allowance for the negro, why it should not be confirmed by law.

252. As fairness would be a matter of opinion, does not it depend very much on the distinction between law and equity?—Of course; but a minimum could have been affixed by the Jamaica legislature, and it strikes me that the allowance of a certain quantity of fish or salt beef, or something of the kind, ought to have been secured to the negroes in every colony.

253. Do you think it quite necessary that the negroes should have an allowance of animal food secured to them by law?—Undoubtedly. I conceive it only just that they should have it.

254. Do you conceive that necessary for the support of the labouring population in every country?—For their sustenance, to enable them to do their duty to their masters.

255. Are you aware how the labouring population of Scotland are supported?—In a great measure; but I am not aware that they are worked in the same way, and I know how sailors and soldiers are supported.

256. Do you conceive more work is done by the negro than is done by the agricultural labourer in Scotland in a day?—That is a very important consideration. I have no hesitation in saying that I do not think so. I have always considered that it was the system, not the labour, that consumed them.

257. Is it your opinion that, under all the circumstances of the case, the negro in Jamaica requires a stronger subsistence, than the agricultural labourer in Scotland?—Yes.

258. So much, that though the one can live, and live in health and strength, without animal food, it is necessary that animal food should be secured to the other by law?—Yes, and I will state my reason; they are acting under a very different impulse; the one is acting under the impulse of fear, the other of hope; the labourer of Scotland may remove to another place, the slave was tied down to his estate, and so is the apprentice; therefore, I have ever contended that, where a person was worked in the manner the negro was, (exclusively for the benefit of another, without any other stimulus than the dread of punishment,) it was requisite he should be sustained, supported and fed, and that he should obtain indulgences not necessary for the freeman, who could turn his abilities to any other purpose, and who had the hope of advancement before him.

259. Would you say, with regard to the present condition of the apprentice, that he laboured under no other stimulus than the dread of punishment?—During the period of apprenticeship principally.

260. If these matters remain in a great measure indulgences by the law of Jamaica, do not those very indulgences afford a stimulus so far as they go, independent of the fear of punishment?—They depend in a great measure on the will of the master, and therefore this is a capricious stimulus. A stimulus dependent on the pleasure of another, I consider a most precarious stimulus.

261. The question is not whether the tenure of the indulgence is precarious, but whether the indulgence does not afford a stimulus in its own nature distinct from the fear of punishment?—It affords that stimulus which is dependent upon the caprice of another.

262. Does not it afford a stimulus independent of the fear of punishment?—No doubt it may afford such a stimulus, but my objection to it is still the same, that it is dependent on the caprice of another man, which I consider very objectionable, and insufficient permanently to uphold the negro's energies.

263. Sir *George Grey.*] Do you know whether task-work has been adopted in Jamaica?—

Jamaica?—That again is a point of practice. I have heard of it as of other things, and I dare say it has.

264. The necessary ignorance in which you are with regard to the practical details of the working of the system in Jamaica renders you unable to give a decided opinion that the negroes are subject only to the stimulus of fear?—That is the chief impulse; legally, that will be their condition.

265. The question is practically?—Then I can only say, that being entirely ignorant of the practice, I can give no opinion, negative or affirmative, on the question propounded.

266. Mr. *Johnstone.*] Do you mean to say that the agricultural labourers in Scotland live entirely without animal food?—I do not know.

267. Mr. *Buxton.*] You do not mean to maintain that universally all the labouring classes must, for the maintenance of life, have animal food supplied to them?—No; but I maintain that a person employed by another, and exclusively for his benefit, may expect to obtain as a right animal food occasionally, and that it is one of the fair and reasonable advantages which ought to have been provided for him in the Jamaica statute.

268. Mr. *Johnstone.*] Does the Jamaica Act for the government of the slaves, to which you have referred, provide any allowances for the negro?—It provides some, undoubtedly. I have not that Act before me, and therefore I cannot state the particulars as regards the original question relating to Scotland. I can only say of this as I did of Jamaica, that I judge by report.

269. *Chairman.*] Do you not think it possible that the spare time which is now secured by the apprentice in Jamaica may give him a power of obtaining those comforts and allowances which may, in some degree at least, dispense with the necessity of obliging the master to give them to him?—There are two provisions in the Act; the one with regard to the allowances and the maintenance, which applies in cases where a master supports his negroes, and there is another clause in the Act which applies to cases where the negro is indemnified by an increased time; it is evident, therefore, that the Imperial Legislature intended, according to the construction which I venture to put upon it, that where the master furnished his negro with provisions in kind, and not with time, those articles should be such as he had hitherto been accustomed to receive. That under the new Act, which allows the negro, in all cases, one day in the week or part of two, the negro may provide himself with additional means of enjoyment, is certain; but I conceive that the right application of these means would be to the improvement of his condition, the starting point (if I may use the term) being the same; that therefore the withdrawal of anything he previously enjoyed, is a diminution in some measure of the rights which are secured to him by the Imperial Legislature.

270. Lord *Sandon.*] Have you read the Act referred to in the Jamaica Act?—Yes, many years ago, but not recently.

271. Have you a distinct recollection of the provisions made by that Act, and whether they are or not sufficient for the maintenance of the negro?—Not so as to be able to give an opinion upon the subject. I should be rather inclined to think, that the enactment was exceedingly vague, something like "adequate allowances;" so that, as at present advised, I conceive it does not contain anything with regard to food in particular, which could be considered a sufficiently specific enactment; but it is now four years since I read the Act, therefore I am very unwilling (especially having had so many other things to attend to) to rely upon my memory in regard to its contents.

272. It will be necessary for the Committee to refer to that Act, for the purpose of seeing whether that did give sufficient maintenance to the slave?—Undoubtedly.

273. Mr. *Buxton.*] Is there any other observation you wish to make in respect to allowances?—I would merely take the liberty of observing, in reference to the allowances, that I conceive, under the 11th section of the Imperial Act, it may be a question whether all those allowances are not due at this moment by law; it is reported that the attorney-general of Jamaica has declared that they were due, and that there is a difference of opinion among the legal authorities there.

274. On the general construction of the whole clause, or any particular words?—On the words "any law" in force on that island; the attorney-general lays it down, that the words "any law" will embrace an immemorial usage; and if so, there must have been very great uniformity in the practice.

John Jeremie, Esq.

23 April 1836.

275. Sir *George Grey.*] Do you know that the opinion of the attorney-general was controverted by the opinions of other lawyers?—I am aware of that.

276. You are aware it is purely raising the question, what the meaning of those words is?—The meaning is certainly the point in question.

277. If it shall be declared by legal authority that those words comprise the allowances by immemorial custom, there will be an end of the question?—Not absolutely; because then there will be a question whether the allowances necessary for the supply of the negro, and which he enjoyed, were possessed by immemorial custom.

278. With regard to those allowances which you state to have been enjoyed or possessed by immemorial custom, those will be governed by the decision?—Those would be undoubtedly enjoyed by the negro; but it would then become a question of fact, whether those allowances, which are of great importance to the apprentice, and which he had enjoyed, perhaps, not by immemorial custom, but by the general practice of the island (though the quantity might have varied on different estates), were such as to be governed by that decision.

279. Did the attorney-general's opinion refer to that second class of allowances?—I have not read the attorney-general's opinion; I have read Mr. Battye's opinion; that went to say, as well as I recollect, that by the Jamaica Act the allowances and indulgences were narrowed to those specified in the "Act for the Protection of Slaves," and that the others were mere indulgences.

280. Mr. Battye's opinion did not touch the other allowances to which you have referred?—It did not draw any distinction, to the best of my recollection, between those enjoyed by immemorial usage and others.

281. You give your opinion, as a lawyer, that, under the 11th section, the words "allowances as by any law now in force in the colony, to which such apprenticed labourer is entitled," would include not only those prescribed by statute law in Jamaica and those enjoyed by immemorial custom, but those which, by any existing practice, had been enjoyed previously to the abolition of slavery?—No; on the contrary, I state that my opinion, as a lawyer, is the reverse, or else the enactment would not be so defective.

282. The question has regard to the enactments of our own Imperial Parliament?—My opinion here is, that it is sufficiently clear; but I consider that, by the 16th enactment, they have given directions (not merely a permission) to the local legislatures to regulate matters which it was impossible the Imperial Parliament could be practically acquainted with; and that among those directions is one requiring them to ascertain how far the allowances of food, maintenance, and so forth, were sufficient.

283. Which are those requiring them to see how far the allowances of food, maintenance, and so forth, were sufficient?—The terms are not there, the substance is in the 16th section.

284. Will you state the words which comprise the substance of that enactment?—"And whereas it will also be necessary for the protection of such apprenticed labourers as aforesaid, that various regulations should be framed," and so forth; "And for regulating the amount and quality of all such articles in cases where the laws at present existing in any such colony may not, in the case of slaves, have made any regulation, or any adequate regulation for that purpose;" I rely on the word adequate.

285. What do you understand to be meant by the word adequate in that clause?—All such sufficient maintenance and allowances as they are hereinbefore declared entitled to receive.

286. Where do you find that declaration?—In the 11th section, I presume.

287. Have you any doubt about it?—Not as at present advised, but I will not say that positively without reading over the Act.

288. Where would have been the impossibility in the Imperial Legislature adding after the word "law," in the 11th section, "or immemorial usage or custom?"—There would have been no impossibility.

289. You were understood to say that the Imperial Legislature did all they possibly could have done to meet the case?—Yes, I maintain that, because I conceive they meant to include as due by immemorial usage, and therefore by law, that which is now said to be matter of favour; the Imperial Legislature had not a sufficient practical knowledge of the management of estates in Jamaica to point out such details more particularly.

209. You think perhaps ignorance in the House of Commons of the practical management

management of estates in Jamaica, prevented their making more adequate provision?—The want of information rather than ignorance, or the portion just read of the 16th clause would not have appeared there at all.

291. You conceive that that want of information was referable to those gentlemen who had taken an active part in informing themselves of the state of the colonies?—It is impossible for me to express an opinion of the intention of the House of Commons, except as I deduce it from this clause.

292. You think if they had been practically acquainted with the working of the law then in existence in Jamaica, they would have applied themselves to that?—I think the Imperial Legislature could not do more than they did with regard to those points of detail, but when this was submitted to the Jamaica legislature they should have applied themselves to it.

293. Do you conceive that the section of the British statute comprises allowances which had been enjoyed by immemorial custom, as well as those enjoyed by favour, and the precarious tenure of the caprice of the master?—It comprises undoubtedly the allowances enjoyed by immemorial custom, but not allowances enjoyed by the pleasure of the master; that is my view of it.

294. Mr. *Buxton.*] But supposing that when the subject was inquired into before the Committee of the Lords, the agent of Jamaica, Mr. Burge, there declared that immemorial usages and allowances had the nature of matters of law in Jamaica; would it not then appear to you, that enacting that all the laws for providing for the negroes should be enforced, comprehended also those immemorial customs?—This is a construction arising from extraneous circumstances; I should beg leave to submit to the Committee, that it were both an invidious, and, perhaps, an unnecessary duty, to express in that manner an opinion as to the effect of a declaration made by another gentleman. I am prepared to give my opinion as to the best construction to be put upon that Act, but I should be very unwilling to draw an inference from a declaration made by a gentleman in an inquiry which had passed long before.

295. Sir *George Grey.*] You perfectly agree that the word "allowances" includes all?—Yes, that the word includes all allowances sanctioned by immemorial custom, there we agree; but there comes a difficulty; it seems that, admitting that construction to be true, the negro may still be practically deprived of certain very important advantages he enjoyed before this Act passed, from this circumstance, that what was supposed to be an immemorial usage turns out, in the view of the master, to have been merely an indulgence; and if there was not (and it is assumed there was not) that uniformity which would warrant these allowances being considered a right guaranteed by law, then the Jamaica legislature, who were practically acquainted with all those facts, were bound to consider what was an adequate provision for the negro, and to secure it to him by statute. In the conception of the Imperial Legislature it was, I conceive, a right, the providing for which, if necessary, they transferred to them.

296. Your objection is, that the Jamaica legislature adhered to the letter of the British statute, but not to the spirit of it, in this respect?—It may be doubtful how far they adhered to the letter of the British statute. I think that, on the contrary, they appeared inclined to narrow it; the 11th clause of the Imperial Act governs the island of Jamaica now, not in consequence of their having adhered to it in the 16th section of their statute, but because there is a clause in the Imperial Act which provides that no local Act contrary to the terms of the Imperial Act shall be considered as law in Jamaica.

297. Would you call that 16th section of the Jamaica Act, however defective, repugnant to the spirit of the Imperial Act?—It is an omission; but whether an omission or a repugnance, there is an important clause in the Imperial Act, which declares that that Act shall be in force notwithstanding any regulation to the contrary.

298. Lord *Sandon.*] You complain of the inadequacy of the 16th clause, enacted for the purpose of providing for the negroes sufficient maintenance, clothing, &c.; still you say you have not read that Act lately; how, therefore, can you show its inadequacy, without knowing what it contains?—I complain of the 16th Jamaica clause narrowing the allowances given by any law to those specified in one particular Act, as I find it admitted by the planters themselves that there are allowances not comprised within that particular Act, which the negroes enjoyed anteriorly to the passing of those measures. Now those allowances, I contend, ought to have been guaranteed to the negro by the Jamaica legislature. I assume the fact on their own authority.

John Jeremie, Esq.

23 April 1836.

299. Sir *George Grey*.] Are they not guaranteed to the negro by the origin Act?—If they are sanctioned by such an immemorial custom as will be considered by the courts of Jamaica tantamount to a statute, then they are; if they are merely matters not so fully established, if they are what the planters call them, mere indulgences and matters of favour, they are not.

300. Lord *Sandon*.] If they were merely capricious indulgences, not sanctioned by immemorial usage, and varying on each estate, would you have thought it right to have those matters of law established over the whole island?—If they were necessary for the fair support and maintenance of the negro, I certainly should; if, on the contrary, they were not necessary for his fair support, then I should say it was not; but those are points they should have examined.

301. Not knowing whether they were necessary for the fair support and maintenance of the negro, how can you impeach the Legislature for not having secured them to the negro?—From the circumstance of difficulties having arisen, owing to the negroes being deprived of that which must have been necessary; for instance, from the fact of a mother of six children, or a mother nursing, not being allowed any additional time or increase of allowance; or the fact of the cooks hitherto employed by the gang, being done away with; all these are necessary in themselves. Then comes the question, whether they were indulgences, or sanctioned by immemorial usage, a point which cannot be determined here.

302. Sir *George Grey*.] Are you aware practically whether these indulgences in the case of the mother and the cook are now enjoyed by the negroes or not?—Practically of course, I must say (and it is the simplest answer), that I am not better acquainted with that point than with any other.

303. Lord *Sandon*.] If those allowances are the subject of immemorial usage they will be secured by the Imperial Law?—Yes.

304. Sir *James Graham*.] Admitting that the word "law," in the 11th section, is studiously used in the broadest sense, for the purpose of admitting immemorial usage; coupling that with the 16th section, which is only a permissive power, given to the colonial legislature, do not you think that the object of the British Legislature was to let in a discretionary power according to varying circumstances?—A discretionary power with regard to anything more, but not with regard to anything he possessed when he became an apprentice.

305. Was not the question of the extent of right, or the variation of circumstances or of usages, left to the colonial legislature by the permissive words of the 16th clause?—All doubtful matters of that sort I should have thought to have been completely within the province of the colonial legislature.

306. And studiously left so by the terms of the 16th section?—And intentionally left so, and that is exactly the reason for which I complain of the omission.

307. Mr. *Gladstone*.] With reference to one of the points, namely, the mother of six children being required to remain for a short time behind the rest of the apprentices; is that one of the points you would characterize as one of absolute necessity strictly understood?—I think it was one of those fair rights which it was the intention of the British Legislature to secure to the negroes at the time they made them apprentices, for it was customary to give it them before, or an increased allowance, which comes to the same thing.

308. Mr. *Buxton*.] You have stated that it is a matter of doubt whether the Jamaica Act comes up to the letter of the Imperial Act; do you consider, with regard to those allowances, that it fairly comes up to the spirit of that Act?—Certainly not, or I would not have raised the objection.

309. In the Imperial Act it is stated that "it is also necessary that provision should be made for preventing the imposition of task-work on any such apprenticed labourer, without his or her free consent to undertake the same; but it may be necessary by such regulations, in certain cases, to require and provide for the acquiescence of the minority of the prædial apprenticed labourers attached to any plantation or estate, in the distribution and apportionment, amongst the whole body of such labourers, of any task-work which the majority of such body shall be willing and desirous collectively to undertake;" do you think the 50th clause in the Jamaica Act corresponds, in letter and spirit, with that clause?—I consider it a very fair and judicious arrangement, that the adults alone should have to decide on a matter of that kind; but with regard to task-work, I think that the local legislature might have fixed a limit to the discretion even of the magistrate, though, when it is considered that there must not only be the consent of the magistrate but the consent of the majority of the adults, I think even that objection falls to the

the ground. I beg to say, that I conceive the Act may be easily evaded in all that relates to the provision-grounds, and other matters of that kind; the regulations with regard to the provision-grounds, which I consider defective, are embodied in the 45th and 46th clauses of the Jamaica Act; the Imperial Act merely directs that proper regulations should be made: "And whereas it is necessary in those cases in which the food of any such prædial apprenticed labourers as aforesaid may either wholly, or in part, be raised by themselves, by the cultivation of ground to be set apart and allotted for that purpose, that proper regulations should be made and established as to the extent of such grounds, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourers; and respecting the deductions to be made for the cultivation of such grounds from the annual time during which such prædial apprenticed labourers are hereinbefore declared liable to labour."

310. Lord *Sandon.*] Is not there a provision, also, in the 11th section of that Act?—"And in cases in which the food of any such prædial apprenticed labourer shall be supplied, not by the delivery to him or her of provisions, but by the cultivation, by such prædial apprenticed labourer, of ground set apart for the growth of provisions, the person or persons entitled to his or her services shall, and is or are hereby required to provide such prædial apprenticed labourer with ground adequate, both in quantity and quality, for his or her support, and within a reasonable distance"; and so forth. The 11th section has made it an enacting clause; and then the 16th section transfers to the local legislature the power of stating what might be the proper extent of the land, what should be a proper distance, and what was a fair time to be deducted from the 45 hours. Now with regard to the two first points, namely, the quantity of land and the distance, the local enactment states merely that it shall be "reasonable," which is quite insufficient. I refer now to the 45th and 46th sections: "And be it further enacted, that in cases in which the food of any such prædial apprenticed labourer is supplied, not by the delivery to him or her of provisions, but by the cultivation, by such prædial apprenticed labourer, of grounds set apart for the growth of provisions, the persons entitled to their services shall, and are hereby required, during the term of such apprenticeship and no longer, to provide such prædial apprenticed labourer with ground adequate, both in quality and quantity, for his or her support, and within a reasonable distance from his or her usual place of abode."

311. Sir *George Grey.*] Does not that follow the terms of the Imperial Act?—Yes, but it does not follow the terms of the 16th section; it was clearly the intention of the 16th section that the local legislature, being perfectly acquainted with the statistics of the island, should affix a limit both in extent and distance; and they have done neither, but left it altogether as it was before.

312. Does the 45th purport to have any reference to the 16th section of the Act?—They neither of them purport to have any such reference.

313. Does not the 46th refer to the 16th clause of the Imperial Act, the 45th having referred to the 11th: "And whereas it is necessary that proper regulations should be made and established as to the extent of such provision-grounds hereinbefore mentioned; and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourer." Are not those words a transcript from the 16th clause of the Imperial Act?—They do amount to that.

314. Are they not a literal transcript?—I have not referred to that; I presume they will have been, for they have carefully studied the words.

315. Beginning with the words "all proper regulations?"—There is merely an omission of the words "provision-grounds hereinbefore mentioned;" it is substantially a transcript, but it is the enacting clause.

316. Does not the 46th clause prescribe the quantity, quality and locality of the provision-grounds?—No.

317. Will you point out in what respects that is deficient?—There is no reciprocity here; the negro must rest satisfied with what he had when in slavery, but the proprietor shall not be compelled to give him what he had when in slavery.

318. It may be inadequate, but does it not purport to define the quantity, quality and locality of the provision-grounds?—I believe I stated at first that the words were inadequate, calling the attention of the Committee to the 45th and 46th clause; according to my humble opinion it is very inadequate; there is a declaration in the 45th which, according to my view of it, signifies little or nothing; and the 46th, where further provision appears to have been intended to be made,

John Jeremie, Esq.

23 April 1836.

does not bind the master to anything specific; it binds the apprentice, in so far as it requires he should be satisfied with what he had before; but the master may take away the half of that, and there is nothing in the 46th clause to prevent his doing so if he thinks fit.

319. Do not the 11th clause of our Imperial Act and the 45th clause of the local Act declare that the apprentice shall be provided with adequate ground?—Yes, the 11th more immediately.

320. Does not the 46th clause of the Colonial Act declare what shall be deemed adequate?—It declares that all grounds hitherto allotted shall be deemed adequate and proper.

321. If a question of adequacy was to arise before a special magistrate, would he not necessarily refer to the 46th clause, and if the land enjoyed by the apprentice were less than that enjoyed by him in a state of slavery, would he not be bound to say that that was inadequate?—No.

322. Is not your objection to the Act that there is not a sufficient criterion of adequacy?—That is one of the objections.

323. Mr. *Gladstone.*] Then by the 45th clause taken alone, and without reference to the quantity the apprentice had when under a state of slavery, directing that the apprentice's allowance of provision-ground shall be adequate for his support, is not the special magistrate the judge of its adequacy, and has he not the power of inflicting a penalty for its inadequacy?—He has the power of inflicting an inadequate penalty: I consider it the intention of the Legislature to specify what shall be considered an adequate provision, and I consider the 45th section defective, because the penalty is in itself inadequate, and that it is too vague as to the quantity and the distance.

324. Lord *Sandon.*] You consider that the 46th clause does not point out that specifically?—It does not point out anything as to a whole class, those who had no provision-grounds before. It says also, that the apprentice shall be satisfied with that: "Be it enacted that, for the purposes of this Act, all grounds hitherto allotted to every slave during such his or her state of slavery, for his maintenance and support, shall, during the term of his or her apprenticeship, in quantity, quality and locality, be deemed adequate and proper for the maintenance and support of every prædial apprenticed labourer, unless good and sufficient cause be shown to the contrary."

325. They shall be deemed to fulfil the intention of the Legislature?—Yes, unless the contrary be proved; but now, as regards the proprietor, if he were to make a diminution of a certain portion; there are many of them who have given a large quantity of provision-grounds, particularly in the islands not very generally cultivated, and where land is exceedingly cheap; there a proprietor has given several acres of land to his negroes; he did not want them. Now should he cut them down to one acre, or, we will say, to a quarter of an acre, or any less proportion, which would be evidently inadequate, there is nothing in the 46th section which would apply to this, though the 45th might; and, therefore, the 45th is the only one under which the special magistrate can proceed against the master; and the 45th being defective, from the causes above stated, I consider the objection well taken to the Act.

326. You think the 46th might have been expected to confirm to the negro that which he had before?—No; it establishes and supposes a maximum that he shall be satisfied with, and it fixes a vague, and, in many respects, unmeaning criterion.

327. Mr. *Gladstone.*] If an apprentice does not conceive that there is sufficient, cause may be shown to the contrary, if it can be made to appear to a special magistrate that the provision-ground in the time of slavery was inadequate to his support?—If he shows that it is inadequate, to the satisfaction of the special magistrate, there is no doubt that the employer is bound to supply him; but it is under the 45th rather than the 46th, the latter being merely a vague definition.

328. Is the effect of that clause virtually to throw us back on the 45th clause?—That is exactly the view I have taken.

329. You have stated that the enactment of the 46th is very vague, but does not it rest in the power of the special magistrate to reduce that vague enactment to a definite form, and is he not constituted a judge of what is adequate in quantity and quality for the support of the labourer?—To the extent of a penalty of 5 *l.*, he is.

330. Supposing

330. Supposing a case in which the apprentice complains of the inadequacy of the provision-ground, and the penalty is inflicted, and the master fails to furnish the apprentice with an adequate provision-ground; may not that penalty be exacted again and again by a special magistrate at his discretion, on the complaint of the apprentice, under the 45th clause?—Then the 48th clause might be made to apply, where the master has the option of supplying an ample maintenance, under the penalty of 40 *s.* for each offence, that would bring down the 5 *l.* to 40 *s.*

331. Still he would be liable to the same condition, which might be exacted again and again, as often as the offence was repeated?—It might be exacted again and again as often as the offence was repeated, provided a judgment were given on each occasion, which would set them always at variance.

332. The question refers not to the practice, but to the law?—Yes, but the question is how the law can be evaded or perverted.

333. The option would remain with the apprentice?—Yes, which would produce a spirit of ill-will and enmity, which might have been prevented by a proper enactment.

334. Lord *Sandon.*] Do you not think that, considering the difference in the quality as well as the great difference in the distance at which the provision-grounds are situate, that some of them are mountainous grounds and others flat, it would have been impossible to have laid down those provisions which would apply to each case in special words, and that the Legislature must have left the discretion in somebody, and that if that is to be left to somebody, it can be left to no one so safe as to the special justice unconnected with the localities?—I conceive, if the object had been merely to repeat the word "reasonable" or the word "adequate," the 16th section of the Imperial Act would not have been framed; but that the intention was that some specific rule should be laid down, leaving a large discretion, but not a discretion of this kind to this public officer; for though the island of Jamaica is extremely extensive, and there are a vast number of negroes there, I see no reason why they should not have fixed a minimum of land, or a maximum of distance; for instance, why not have provided that the provision-grounds shall be within one mile, or within half a mile, or even they might have made a distinction as to the counties or parishes.

335. What would have been the advantage of so large a range; would it have been a real protection to the negro, or any protection at all; how was it possible to lay down any rule which might not have been abused, unless the special magistrate were to have the discretion which is here given to him?—I think a discretion so large as to afford no protection at all, could not have entered into the view of the Imperial Legislature.

336. Take an acre of mountain land, and an acre of fine alluvial land; you would not wish to say that they should have the same amount of each, as they are probably in the proportion of one to three?—I would have fixed a minimum in all cases.

337. What would have been the fairness to the negro of giving him one acre of mountain land, which would have been within the letter of the Act as laid down for the government of the magistrates?—It would have been undoubtedly within the letter of the law, but a minimum quantity might have been provided; but it is now so completely left to the discretion of the special magistrates that they can allow him ever so small a quantity.

338. What would have been the benefit to the negro of giving him a range within which the special magistrate might have given him ground hardly adequate as having no limitation at all?—It appears to me the object was to lay down certain specific rules for the conduct of an officer invested with very unpopular duties, and watched with extreme jealousy; and it was necessary, for the sake of the special justice, the negro, and the manager, that some kind of limit should be put on his discretion; it might be done with regard to counties, parishes, or districts; one district may be a flat country with a fine soil, or the reverse; in either case a minimum might have been fixed, say one for the parish of St. Ann's, another for any other parish or county. There could have been no difficulty in establishing a scale here as in all other cases. I would not have bound them down tightly in quantity or quality, any more than I would a judge with regard to penal enactments, but some kind of maximum or minimum in certain cases, should, I think, have been affixed; for this discretion, I conceive, brings the manager immediately into collision with the special magistrate, whilst the enactment may be inadequate to afford a protection to the negro and others; but my chief complaint always resolves itself into a want of reciprocity, especially as regards the penalties.

John Jeremie, Esq.

23 April 1836.

339. Mr. *Gladstone.*] May there not be cases where the subject matter in discussion is necessarily involved to a large extent, in which the fixing a minimum has a positive tendency to bring down the allowances and to keep down the allowances to that minimum?—There are many cases in which it will have that tendency.

340. Supposing the opinion to be well founded that this is one of those cases, the fixing a minimum might have been an absolute injury to the negroes?—If that was the opinion entertained by the framers of this Act, they were perhaps observing the spirit of the Act, but they were not observing its letter, which required that some kind of regulation should be drawn up, fixing bounds both as to extent and quality, that the negro should not be left solely to the special justice, nor the special justice, for his own sake, left in possession of so large a discretion. I consider the objection particularly important from knowing the value the negro sets upon his provision-grounds, and I know from experience the importance of specification in all these regulations.

341. Lord *Sandon.*] You think, under this Act, he could be deprived of some part of the provision-grounds he has hitherto enjoyed?—Yes, undoubtedly.

342. Do you mean at the discretion of the proprietor?—No, at the discretion of the special magistrate.

343. Mr. *Buxton.*] What is the next point to which you would call the attention of the Committee?—That the Act in Aid sanctions, indirectly, female flogging, even for prædial and domestic offences; that it strikes at the very spirit of the Imperial enactment.

344. Will you proceed to show in what manner it has that effect?—The Imperial Act, by the 17th clause, prohibits the whipping or beating of females for any offences whatever, except under some law or police regulation in force against and applicable to all other persons of free condition. It appears that the whipping of free females is allowed in houses of correction and workhouses; but on such occasions it is, of course, restricted to persons confined in those places by virtue of some general law, and not by virtue of laws relating to apprentices; but an apprenticed female, who has merely violated an apprenticeship enactment, may also be sent to the workhouse; and the moment she enters it she is subjected to the general regulations of that workhouse, and has been flogged, as I understand, in many cases, in consequence, so that the effect of these two enactments, taken together, is to subject females to flogging for domestic offences.

345. Lord *Sandon.*] You mean for the infraction of her duties as an apprentice?—Yes; by taking the 22d section of the Act in Aid (at the bottom of page 285), in conjunction with the 17th section of the Imperial Act; and on the point of practice, in this particular, my information is such as perfectly to satisfy me.

346. *Chairman.*] Do you mean to state that a female apprenticed negro, who is committed to the workhouse for an infraction of the apprenticeship law, is liable to be flogged in that workhouse without having committed any subsequent fault against the discipline of the workhouse?—Against the assumed discipline of the workhouse; the law having authorized her being sent to the workhouse, she is then subject to the discipline of the workhouse, and may be flogged, either at the discretion of the colonial magistrate or the superintendent, but for an assumed infraction of the discipline of the workhouse of course.

347. Is she, in that respect, placed on precisely the same footing as a free female would be if she was committed to the workhouse for any other fault?—Yes, she is placed on precisely the same footing, therefore it is an evasion of the spirit, but not the letter of the enactment; but I would observe, a free female could be sent to the workhouse only for an infraction of the general laws of the country, whereas this enactment authorizes the special justice to send an apprenticed female to the workhouse for any infraction of the laws between manager and labourer, and the moment she enters the workhouse she is subject to flogging.

348. Though it may be said in a certain sense she is flogged in consequence of having infringed the apprenticeship law, yet it cannot be said that her flogging is the punishment of having so infringed the apprenticeship law?—The moment she enters the workhouse she is no longer under the jurisdiction of the special magistrate; she enters immediately into the power of the magistrates of the district, who are planters; and having thus fallen into their hands, as it were, she is subject to all those abuses of power which (the very circumstance that laws of this kind have been enacted proves) they are supposed occasionally capable of committing.

349. Your objection is against the power of inflicting those punishments in the workhouse for breaches of the workhouse discipline?—It is against the power given

given to the special magistrates of commuting the other punishments for incarceration in the workhouse.

350. Sir *George Grey.*] You think that clause of the Act, with the consequences that attach to it, is in great repugnance to the 17th clause of the Imperial Act?—It is an evasion of that clause; I have two objections to this clause: "And be it further enacted, that it shall and may be lawful for any special justice, and he is hereby authorized and empowered to substitute any given number of hours of work on the tread-mill in any house of correction, or otherwise, for any of the punishments imposed by this or any other Act on apprenticed labourers, as he in his discretion shall consider necessary and proper." He may thus inflict an unlimited number of hours on the tread-mill for the most trivial offences. It gives him an immense discretion.

351. You state that the apprenticed female, by means of this clause of the Act in Aid, may be subjected to corporal punishment; are you able to point out the provisions of any gaol or police Act of Jamaica under which any female may be subject to corporal punishment?—I have among the Parliamentary Papers, at page 41, the speech of the Governor of Jamaica on the prorogation of the legislature of Jamaica on the 2d of February 1836. The Governor addressed them thus: "The whipping of females, you were informed by me officially, was in practice; and I called upon you to make enactments to put an end to conduct so repugnant to humanity, so contrary to law. So far from passing an Act to prevent the recurrence of such cruelty, you have in no way expressed your disapprobation of it; you have not even denied the truth of my assertion, and therefore must have credited it, notwithstanding you have taken no steps to put an end to the practice."

352. Have you looked into the Gaol and Police Acts, and do you think that the punishment may be legally inflicted?—I have had them in my hands, but have no recollection of having examined them with that particular view. I cannot say positively whether there are regulations of that kind or not. I presume them to exist, from that declaration of the Governor of Jamaica to the colonial legislature.

353. Mr. *Gladstone.*] Do you conceive it would have been practicable altogether to do without some Act similar to that giving a power to substitute imprisonment in the house of correction for other punishments?—I think it might be expedient to authorize a special magistrate to substitute one punishment for another; but I should have two objections: first, that the power with which the special justice is invested is by far too vague and too extensive; and next, that if he were at liberty to substitute one punishment for another, it should have been that kind of punishment which would not have thrown the culprit into other hands, and thus rendered the punishment more severe than the original one.

354. Do you think that, in framing a sufficient punishment, you could altogether dispense with confinement in the workhouse or the house of correction?—With some species of confinement I think they could scarcely dispense; but I originally proposed that some place of confinement, exclusively intended for refractory apprentices, should be provided in every district, which would have been under the control of the special justices alone.

355. You would have it extended to providing a double system of gaols throughout the colonies?—Either to the providing a double system of gaols, or it might have been ordered that a female apprentice, when sent to the house of correction, should continue under the control of the special magistrate alone.

356. Mr. *Buxton.*] Might not a clause have been introduced declaring that no female sent to these houses of correction should be subject to corporal punishment?—No doubt it could; but now, as appears by the governor's solemn declaration, the enactments of the Imperial Legislature on that particular point, a subject which produced such an effect on the public mind, are entirely set at nought.

357. Sir *George Grey.*] Are you competent to state, independently of that passage in the Marquis of Sligo's despatch, that there is any law that does sanction the flogging of females in the gaols of Jamaica?—No; but I assume the law does exist from that part of the governor's speech in which he calls upon the legislature to adopt regulations; for otherwise the governor could have himself prevented the practice.

358. Lord *Sandon.*] You are aware that the governor in his speech denominates the practice contrary to law?—I can have no conception of his motives for calling on the colonial legislature to remedy a practice which was contrary to law; he would

John Jeremie, Esq.

23 April 1836.

would have had the power himself to remedy it if was contrary to the local law; he evidently means contrary to the spirit of the Imperial enactment.

359. Sir *George Grey.*] Is your opinion of the practice being legal in Jamaica founded on that passage in Lord Sligo's speech entirely, or from an accurate examination of the Gaol and Police Acts?—Certainly not from an examination of the Gaol and Police Acts.

360. Mr. *Buxton.*] What is the next point to which you would wish to call the attention of the Committee?—I believe I have gone through most of the points of general importance; there is another, which may be considered of minor consequence, though I think it as important as any in principle. I do not complain of the enactment as unreasonable in itself, though in my own opinion impolitic; but I object to the jurisdiction given to special magistrates in matters which have no immediate reference to the relation between manager and apprentice. I am aware that the subject matter of the enactment is a point which is much controverted by those who take an interest in these matters, and that even among the persons who generally take the same view of colonial questions which I have taken, a difference of opinion as to its propriety exists; I allude to the enactment by which special magistrates may remove apprentices forming themselves into a community. I do not bring this as matter of charge against the Jamaica legislature, but I object to the principle they have adopted; and I know that in other Acts in Jamaica this principle has been carried much farther, and therefore I raise an objection to the principle in the very first Act in which I see it set forth; the enactment is the 18th of the Act in Aid, which will be found at the bottom of page 284, Parliamentary Papers.

361. Sir *George Grey.*] To which part of the enactment do you object?—I object to the whole of the 19th and 20th sections, though if they referred to complaints by the masters or managers, I should see no objection to them; but that where the master makes no complaint, the special magistrate should be allowed of his own authority to inquire respecting the conduct of an apprentice in any particular, and that a penalty different from that which affects other free persons should be imposed upon them, for conduct which is not complained of by the manager, seems to me exceedingly wrong. If the manager claims no duty of them, why should not they be entitled to the same liberty in every respect as other persons.

362. Lord *Sandon.*] If there are no duties imposed upon them by law towards the manager, none which he prescribes them, would they be considered as neglecting their duty if the manager has not required them?—I should have said not, till I read this clause, but the object here evidently is to prevent their occupying waste land, even though the manager should not complain of it; and putting that construction upon it, I consider that the law, though perhaps the intention may have been good (which I do not admit), is injudicious, inasmuch as it gives a special justice powers which are beyond the purpose for which the office was created, and it places the apprentice under a sort of exceptional enactment. Now the apprentice, in all matters except those relating to his duty to his manager, should be on exactly the same footing as all His Majesty's remaining subjects in Jamaica; he should be tried by the same magistrates, subject only to the same laws. Then again, the Act itself ought to set forth only the relations between the negro and the manager; as an apprentice alone is he subject to the special justice.

363. What duties do you consider can be contemplated as abandoned, unless they are duties prescribed to him by the manager?—As long as the manager does not complain, I do not see why the special magistrate should interfere.

364. You conceive that his interference should be limited to the case in which the complaint should arise from the manager?—Yes.

365. If it shall be made to appear on the complaint of any manager, would that satisfy your objection?—Yes.

366. Sir *George Grey.*] You do not see how his duty can be neglected or abandoned, unless the manager does complain?—No; but the object here is to prevent those persons who have no immediate superintendent establishing themselves in a waste district in the interior. From my knowledge of the manner in which West Indian society is constituted, I see the effect intended to be produced; the purpose is to compel them to engage in a particular species of labour only, and to prevent them from employing their time in the manner they consider most advantageous to themselves, even though the manager should not interfere.

367. Lord *Sandon.*] You think a reference of this to the special justice is objectionable?—

objectionable?—Yes; because I consider that his interference should be confined to points arising between manager and apprentice.

368. Would it not have been more objectionable if this discretion had been left to the colonial justice? —I conceive it would have been objectionable so long as any restriction was put upon the will of the apprentice, unless it arose from the complaint of the manager; I consider that the apprentice, except when the manager calls for his services, is as free a person as any other of His Majesty's subjects; that therefore he is at perfect liberty to establish himself in a "distinct community," if he thinks fit, provided his manager (the person having a claim on his services) does not complain.

369. Sir *George Grey.*] Do not you think that the absence of any complaint, upon the part of the manager, would afford an inference that the apprentices were not neglecting their duty?—Certainly not; in the manner in which this clause is worded, I conceive it means that any special justice, travelling through the country, and seeing a community formed of apprentices, may, of his own authority, without any previous complaint, disperse, arrest, and punish them, on the ground that they are neglecting to perform those habitual duties imposed by law on apprentices.

370. *Chairman.*] Can this take place without any evidence that they have such duties to perform?—There must be some means of ascertaining who are apprentices in Jamaica: then taking the first in conjunction with the second clause, "Any apprenticed labourers who shall without lawful authority have established themselves in a distinct community," may be dislodged by a justice of the peace, and then any "apprenticed labourer convicted of having been a member of any such community, may be punished by a special magistrate by imprisonment with hard labour for a period not exceeding six months, and if a male by flogging, not exceeding 50 stripes." Now I cannot imagine why a clause of this kind should be inserted, when it does not appear that the person entitled to the apprentice's services has complained.

371. Sir *George Grey.*] With regard to giving the jurisdiction to the special justice, do not you think it would have been more opposed to the spirit of the Imperial Act if they had given the jurisdiction to the colonial magistrate, bearing in mind the first words of the 4th clause of the Imperial Act, "And for ensuring the effectual superintendence of the said apprenticed labourers;" as this matter relates to the superintendence of the apprenticed labourer, do you not think, setting aside for a moment the expediency of the clause of enactment, it was more wisely conferred upon the special magistrate than the colonial magistrate?—If it was correctly conferred, certainly.

372. Lord *Sandon.*] It may be less liable to abuse?—It will be less liable to abuse. It is not to the nature of the enactment that I object, but to the principle laid down; it infringes on the rule that an apprentice, in all matters which have no reference to his master, should stand on exactly the same footing as a free man: this is the first exception to this rule which appears, and perhaps it is to be regretted that the objection arises in reference to an enactment which would be so little objectionable in any other sense; but if once an attempt be made to legislate exceptionally for this class of subjects, there is no knowing how far it will go, and perhaps slavery may thus be introduced in another form.

373. *Chairman.*] Have you now gone through all the material objections which you entertain to the Jamaica Acts, as being inconsistent, either in letter or in spirit, with the British Act on the subject of negro apprenticeship?—As regards the first and second Jamaica Acts, I have pointed out the principal and most material objections; but there are other objections, not so important in themselves, which I (under all circumstances) will not press upon the Committee myself. I concur in many of them; as to others, I do not see that they are so striking; but those I have submitted I consider exceedingly material, and some others which I have not urged, such as the power of imprisonment, are open to great abuse. If, therefore, I do not carry my objections farther, I beg it may not be understood that I see no farther objection.

374. Mr. *Buxton.*] But in addition to the specific objections you have made, do you not think that there is one great objection against the Jamaica law: namely, that the insufficiency of the punishments awarded in the 49th section against the manager, goes far to vitiate the effect of the whole Act?—Undoubtedly I do; I consider that that 49th section alone has in a great measure changed the

John Jeremie, Esq.

23 April 1836.

nature of the apprenticeship. I entertain the same objection to the present apprenticeship and to the office of a special magistrate, as at present established, that I did to the protectorship under the amelioration system; the special magistrate being deprived of sufficient power over the manager, becomes in some degree his mere agent. I objected to the protector, because he had no right to inflict a punishment on the negro; he could only inquire into the manager's delinquencies, passing over those committed by the labourer. I object to the special magistrate now, because he cannot visit with adequate punishment the offence of the manager, and that therefore he can only entertain effectually complaints against the negro; and as the protector was an object of terror to the manager alone, so, under these Acts, the special magistrate becomes an object of terror to the labourer alone.

375. *Chairman.*] Is it the inadequacy of any part of this punishment, or the want of reciprocity, of which you complain?—It resolves itself ultimately into a want of reciprocity. The special magistrate is invested with abundant power whenever he is called on to inflict punishment on the negro; but his powers are merely colourable whenever he is called on to inflict a punishment on the manager, and thus the middle course, which I think was intended by the Imperial Legislature to be taken, has not been taken. I conceive the intention of the Imperial Legislature was to place a person, invested with sufficient powers, between the manager and labourer; and therefore he should have possessed authority to inflict a sufficient punishment on either, as either might happen to be the delinquent.

Lunæ, 25° die Aprilis, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Andrew Johnston.
Mr. Charles Lushington,	Mr. William Gladstone.
Mr. Thorneley.	Sir George Grey.
Mr. Fowell Buxton.	Lord Viscount Sandon.
Mr. Patrick Stewart.	

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq. called in; and further Examined.

25 April 1836.

376. Mr. *Buxton.*] AT your last examination you stated that the insufficiency of the penalties enacted in the 49th section of the Jamaica Act went far to nullify the whole Act; do you consider that if all the other clauses were rendered what would be in your contemplation perfect, the effect of the Act would be such as the British Parliament expected, if that 49th section were not also amended?—I should think that the insufficiency of the penalty contained in the 49th section deprives the Act of an executory principle; it is open to the objection so repeatedly urged from the days of Edmund Burke to these colonial enactments,—How is it to be executed with regard to the manager? You have the words but you have not the remedy; the language but not the substance. My objections to the 49th section are twofold: first, (as I have already ventured to submit to the Committee) there is a want of reciprocity, and that arises from a comparison of the clauses which affect the manager with those which affect the labourer; they inflict penalties on either, but in the one case they are adequate in the other inadequate. My second objection is, that as that clause recites all the obligations of the manager, or nearly so, and as the penalty enacted by that clause is the only one that can be inflicted on him, and is, according to my conception, exceedingly inadequate, it follows that you have no adequate means of enforcing the law in any case against the manager, except by having, in extreme cases, recourse to the common law.

There was also a question put to me by a Member of the Committee, who is not present at this moment, upon which I should wish to offer some explanation. This learned member, on my observing that a negro who had been worked for 42 hours in succession might proceed at common law for cruelty, even though the present

Act

Act might not contain any prohibitory enactment on that point, put this question in so strong a light, that in my answer, my original opinion was, I confess, considerably shaken. I have now considered that point with all the attention it deserves, and it is my deliberate conviction that the first opinion I expressed was the correct one, and though differing from the very high legal authority which put those questions to me, I am, with all proper diffidence of course, prepared to maintain that first opinion.

377. Is there any proviso in any of the Jamaica Acts restricting the master from employing an apprentice for 45 hours in continued succession, except as to field labour?—None, except as to field labour.

378. Then, independent of being so employed as a punishment, you conceive he might be employed for 45 hours in succession in other than field work?—In other than field work, or for 45 hours in succession, or nearly in succession, partly in field work and partly in manufacturing labour, provided the field work does not exceed the nine hours within the 24.

379. Mr. *Gladstone.*] Why not entirely in succession?—Because when the negroes are employed in field labour, the clause which relates to field labour comes into operation, and it requires there shall be an intermission of about three hours for meals.

380. Sir *George Grey.*] You think if no part of that was constituted of field labour there might be that continuous labour, 45 hours, without time for rest or meals?—Under that Act; but I am also of opinion, that the common law as to cruelty, or immoderate coercion, would come into operation, which was the way in which I put it originally, as I have already explained.

381. Mr. *Buxton.*] In the 11th clause of the Imperial Act it is enacted, "That during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances, as by any law now in force in the colony to which such apprenticed labourer may belong, an owner is required." This is attempted to be carried into effect by the 16th clause of the first Jamaica Act, and the way in which it is done, is by requiring the owner "to supply him or her with such food, clothing, lodging, medicine,, medical attendance, and such other maintenance and allowances, as by an Act, intituled, 'An Act for the government of Slaves,' now in force in this island, an owner is required to supply." Have you examined that Act denominated an Act for the government of Slaves?—Having been directed by the Committee at its last meeting to do so, I have examined it with some attention.

382. Do you conceive that that Act for the government of slaves accomplishes those objects which the Imperial Act intended to accomplish?—No.

383. Sir *George Grey.*] Was that Act for the government of slaves passed before or after the Imperial Act?—It was passed before the Imperial Act.

384. How can it carry into effect the intention of the Imperial Legislature, if passed before the intention was declared?—It certainly was not drawn up for the purpose of carrying into effect the intention of the Imperial Legislature, being antecedent; but the Jamaica Legislature by their subsequent Act, in which they professed to carry into effect their intention, having referred to and adopted this Act anew, it may in that case be considered as part of the second Act.

385. Was there any other Colonial Act which could be contemplated by the 11th section of the Imperial Act?—To be able to answer that question I must be acquainted with all the Jamaica Acts, and I am not so.

386. Are you enabled to state whether there was any other Act in force in Jamaica to which the 11th clause of the Imperial Act could refer?—I am unable to state that, but I should feel inclined to say that there was not. From the preamble to this, by which it is stated that "it is expedient that the laws now in force relating to slaves should be revised and consolidated," I should thence infer there was no other; but I cannot be positive without further reference.

387. Supposing there had been any such Colonial Act in force for the purpose at the time of passing the Imperial Act, would not that be comprised within the 11th section of the Imperial Act, so as to entitle the negro to such advantages as such Colonial Act would give?—I should think it would.

John Jeremie, Esq.

25 April 1836.

388. Consequently, must it not be assumed that the intention of the British Legislature had reference to the law now in your hand?—It had in view the confirmation of that law to a certain extent, but it was open to examination; and I should distinctly say, that it could hardly have had that law in view, taken alone.

389. Does it not appear that it must have had that law in view, taken alone, supposing that to be the only slave law then in existence, and that there was no other Colonial Act in reference to food, clothing, lodging, medicine and other articles, which could be referred to by the 11th clause?—As far as the 11th section of the Imperial Act alone goes, I should be inclined to think that the intention of the Imperial Legislature was merely to confirm, and to give its own sanction to the laws in existence at the time in the various colonies, and, therefore, to that extent it was so, if that was the only Act then in existence in Jamaica.

390. Mr. *Buxton.*] In the 16th clause of the Imperial Act there is a farther enactment, "And whereas it will also be necessary, for the protection of such apprenticed labourers as aforesaid, that various regulations should be framed and established in the said respective colonies, for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances as they are hereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles, in cases where the laws at present existing in any such colony may not in the case of slaves have made any regulation, or any adequate regulation for that purpose. Do you consider, after examination of that Act, that adequate regulation is made for supplying them with food, clothing, lodging, and so forth?—No.

391. Be pleased to state your reasons?—The only clause I find with regard to clothing states that they shall provide and find for each slave proper and sufficient clothing, to be approved of by the justices and vestry of the parish. Here is a complete want of specification, and the justices and vestry of the parish are necessarily colonists, probably slave owners.

392. Mr. *Gladstone.*] Supposing an apprentice consequently, under that clause of the consolidated slave law as it was, complains that his clothing is not proper, or not sufficient, will it remain in the hands of the vestry to determine whether his complaint is justified or not, or will it not be referred, with other matters affecting his rights, to the special magistrate?—I think either construction may be fairly put upon the Acts taken conjointly. I should think by the 49th section, taken singly, that it would be within the province of the special justice; but when it is observed that the only local Act in which there is any mention of clothing designates distinctly a particular authority as the sole judge of the adequacy, then it may be fairly argued that the general authority of the special magistrate is narrowed to ascertaining whether the planter has given what the parochial vestry have declared to be sufficient. The 49th section is a general clause, investing the special magistrate with authority in all the relations that regard the master and the apprentice; and as the clothing is mentioned in it, among other matters, it may be a doubt whether the special magistrate's authority does not extend to deciding on the adequacy of the clothing; but as the only enactment in which the clothing is distinctly specified happens to be that by which the points of adequacy or sufficiency is exclusively referred to a particular authority, then arises the question (and a very important one it is) whether the power of the special magistrate is not narrowed to ascertaining if the clothing declared sufficient by the parish and vestry has been actually delivered.

393. That Act does not empower the vestry of the parish to lay down with the force of law the amount of clothing which should be considered proper and sufficient?—No, it does not direct the vestry of the parish to lay down that point with the force of law, but it refers to the vestry of the parish the question of sufficiency in each particular case.

394. Then where the jurisdiction of the vestry of the parish over apprentices is taken away by a subsequent Act *in toto*, and every kind of offence committed by the apprenticed labourer is transferred to the special magistrate, does not it necessarily follow that the cognizance of the offence under that clause must be also transferred?—I do not put a construction upon the Act which would authorize me in saying that every case of offence mentioned in the 49th section is necessary to be referred to the special magistrate; if I were to do so, a special magistrate only could take cognizance of a variety of cases, for which the apprentice has, in my opinion, recourse to a court of law.

John Jeremie, Esq.

25 April 1836.

395. Have the goodness to refer to the 20th section of the Jamaica Act; it is there stated that the special justices "shall solely and exclusively take cognizance of all offences committed, or alleged to have been committed, by any such apprenticed labourer, or by his or her employer, in such their relation to each other, or of the breach, violation or neglect of any of the obligations owed by them to each other." Now, adverting to the fact that the right of remedy in the superior courts is subsequently reserved to the apprentice, still for those minor complaints, does it not appear in the first instance that such a complaint as that relating to clothing can be considered only as one of the minor complaints, and cannot be followed out in one of the superior courts?—I should be unwilling to admit that that relating to clothing could be considered as a minor offence, if the offence were often repeated, in relation to a gang; but I should desire, in construing statutes, to give effect to both, if they can be reconciled; they are neither of them abrogated; now here I consider they both can be reconciled: the justice is to have jurisdiction, therefore an action can only be maintained before a special justice; but then if the owner produces a certificate from the vestry, declaring that the labourer has been adequately supplied with clothing, I do not think the special justice could overrule such a certificate, because the point of adequacy is specifically referred to this particular authority by the statute now in force.

396. You give that as your deliberate legal opinion?—I think it a fair question of doubt, and one of those questions which should have been settled beyond doubt.

397. Sir *George Grey.*] Will you look at the 19th section of the Imperial Act?—It is a repetition of the Jamaica section, very nearly.

398. Are not these words, "any law, custom or usage in any of the colonies to the contrary in anywise notwithstanding," additional?—My opinion is the same on both.

399. In your opinion that does not give the special magistrates power of judging of the adequacy of the clothing?—I do not say that does not give the special magistrates the power of judging; I say that where the clothing is not furnished they may levy a penalty, but that they may be bound to take the declaration of the vestry with regard to its sufficiency; that construction may I think be fairly put upon this Act.

400. Mr. *Buxton.*] You go no further than saying this was one of those dubious points which should have been settled satisfactorily?—That it was one of those points which the British Legislature intended should be settled; and further, I have the same objection to this clause that I have to all the others of the kind; I do not think that the intentions of the Imperial Legislature have been fulfilled by a clause so vague as this; the quantity of clothing should have been distinctly specified, a minimum and a maximum should have been pointed out; and I am the more inclined to put this construction on these enactments when I recollect how repeatedly these questions had been debated in the course of the West Indian controversy. It was then laid down as a principle that enactments which contained no distinct specification were easily evaded, and therefore that in all matters relating to this particular subject the specification should be distinct and complete.

401. Sir *George Grey.*] Is not that an objection rather to the Imperial Act than the Colonial?—No; I consider that it was for the purpose of obtaining that specification that the 16th section was inserted in the Imperial Act.

402. Do you not think that the 16th section includes cases in which specification was not made, as well as those in which it was made?—Undoubtedly; because there were colonies in which adequate provision had been made, and more than adequate provision, in my opinion; for instance, those governed by the Order in Council of November 1831.

403. Do you consider that this 16th clause applies to those governed by the Order in Council as well as by colonial legislation?—It applies to all.

404. Do you think that there were any legislative colonies where an adequate regulation was made at that time?—It is impossible I should give an answer to that question without having before me all the regulations of the colonies; but I rather think the Committee will find that in Antigua there was a specification,—I am speaking now from recollection, and very vague recollection indeed,—but my opinion is that there were colonies in which things of that kind were specified, indeed I am sure they were at Bahamas, whether adequately or not, I cannot say.

405. Your opinion is that the regulations could not be adequate unless such a specification was contained in the law?—That is my opinion.

John Jeremie, Esq.

25 April 1836.

406. Mr. *Gladstone.*] Are you aware whether there were any colonies in which no law at all regarding the clothing of the slaves was in existence?—There were colonies in which those laws were exceedingly vague; for instance, there was one in which it was stated the slaves should receive clothing proper and sufficient, "according to the custom of the colony." It was to meet such cases, in my opinion, that the 16th clause was inserted; between the "custom of the colony" and the "decision of a vestry" in such matters I conceive there could be very little difference.

407. Sir *George Grey.*] Are you to be understood to say, that supposing the special magistrates have constituted themselves judges of the sufficiency of clothing, independently of the decision of the vestry, they have acted illegally, or merely that you express a doubt?—I put it in that way; that the Act may be fairly construed in either sense; that it is a case which might be brought into a court of law with strict propriety. Had I been a special magistrate of Jamaica, I would have felt inclined to assume jurisdiction; but I should not have been surprised at its being disputed, or at a court of law determining against it.

408. Mr. *Buxton.*] Do you think that it was the intention of the British Parliament that the colonial legislature should pass an Act confirming the maintenance and allowances given, if they were adequate, or giving, if they were inadequate, additional allowances?—If they were adequate, I consider that they were already confirmed by the Imperial Legislature, provided their adequacy was contained in some law which then governed the colony; but certainly, on the fullest examination I can make of the 16th clause, when I see the words quantity, quality, locality, method, punctuality so often repeated, with "it is necessary for their protection," and so on, then I consider that some kind of specification was expected; and when I recollect that that was the great question between the colonists and the Government previous to this Act being passed, I conclude that the intention evidently was no longer to leave the negro and the magistrate, who are appointed to protect the negro, in doubt as to the exact nature of his rights.

409. What is the date of the slave consolidation law to which you refer?—The 19th of February 1831.

410. Lord *Sandon.*] Are you aware whether the inadequacy of the Jamaica law upon those points had been a subject of complaint before the emancipation of the slaves; was it not rather referred to as a standard of comparison in other colonies?—No; this Act was referred to in consequence of the large allowances made to prisoners, and it was a strong objection, often urged on the part of the abolitionists, that while prisoners in Jamaica were so well fed, they had not thought fit to give the same allowances to their slaves, who were not prisoners.

411. The contrast was between the slaves of Jamaica and the slaves of other colonies?—The enactment referring to prisoners was constantly quoted with respect to all the colonies whenever a scale appeared from any of them, and also with regard to the Jamaica planters, and they were asked why, when they could establish so satisfactorily a scale for their prisoners, they could not establish a similar scale for their slaves, who were not prisoners.

412. Are there any other points on this Act?—I have taken only the clothing yet; I make the same objection to the whole, the want of a specification.

413. Mr. *Gladstone.*] Is the sufficiency of the food and of medicines determinable under the Jamaica slave law by the same authority as the sufficiency of the clothing?—No.

414. To whom are they referred?—With regard to the negro grounds, (this relates to food,) as it may be said, their adequacy was referred to the manager, himself; this point now devolves on the special magistrate. The only clause I can find respecting negro ground is the 11th, merely stating, "that every master, owner, or possessor of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of 10*l.* for each neglect, cause the condition of the negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made as in this Act is hereafter directed; and whereas in some parts of this island there may not be lands proper for the cultivation of provisions, or where by reason of long continuance of dry weather, or other casualty, the negro grounds may be rendered unproductive, then and in that case the masters, owners, or possessors do by some other ways and means make good and ample provision for all such slaves as they

shall be possessed of, in order that they may be properly supported and maintained, under a penalty, not exceeding 20*l.*" That is the only clause with regard to the manager.

415. With respect to any default of duty on the part of the manager with reference to provision grounds, do you not conceive that would at once fall under the jurisdiction of the special magistrate, without any possible intervention of the vestry of the parish?—I should; but I also make the same objection to this, owing to a want of specification, and its being so exceedingly indefinite; besides, the penalty would then be reduced from 20*l.* to 5*l.*

416. Lord *Sandon.*] If you found that practically that vagueness had been interpreted in favour of the more protecting view, you would think the vagueness of the legislation was of little importance?—Combining the law with the practice, it is clear that many things which strike one as extraordinary in the law may not be practical grievances.

417. Mr. *Gladstone.*] The force of an objection of that kind depends in a great degree on the supposition of a partial magistracy?—The objection resolves itself into this, that the discretion of all magistrates should be limited by law. This should be the case with magistrates in every country, and doubly so when they are required to execute duties of this unpopular kind, and when their powers are of so partial a nature.

418. Mr. *Buxton.*] If, on the one hand, it turned out that the allowances were such as a more liberal system would require, your observations would lose much of their weight; so, on the other hand, if it turned out that an illiberal system were pursued, would not your observations gather additional force?—If I may be allowed to offer an opinion, I think my observations would be much the same in either case; for I should always have an objection to matters of clothing, food, medical attendance, and such others being dependant upon the pleasure of any single individual, who may change the allowances from those which his predecessor had given, and thus, in fact, alter the whole regime and management of an estate. I know nothing more likely to produce confusion and disorder among such communities than the exercise of a discretion of that kind, which ought not to be confided to any man, however respectable.

419. Lord *Sandon.*] At the same time, the importance of the practice, under a law to exist only five or six years, is not of the same amount as with respect to that under a law of longer continuance?—All these objections are, taken in relation to the great question of freedom, but of secondary importance. If I could see that the negro would have full protection hereafter, I should not be so anxious about his condition for three or four years, provided he were fairly protected from anything like extreme hardship or cruelty in this interval; but my main objection to the whole of these laws relating to the apprenticeship is, that with perhaps two exceptions, they seem to me to be nothing more than slavery under another name.

420. Sir *George Grey.*] What are the two exceptions?—The two exceptions are, that the period of probation is limited; a most important exception: the negro knows when this is to be over, which I consider in itself a great source of comfort to him, and likely to support his spirits under present harsh treatment. The second exception is, that though I consider the power conferred upon the special magistrates inadequate, still the circumstance of about 100 gentlemen being scattered over that country, men unconnected with slavery, and having a right to inquire into prædial management, will be likely to check ill-treatment in a great degree.

421. Are these the only two modifications of the former system of slavery, as existing in Jamaica, which you think exist at present?—I do not say that they are the only modifications, but that they are the only two to which, practically, I attach extreme importance.

422. You attach no importance to the fact of the negro having a considerable portion of time at his own disposal, when he may work for wages?—I consider that nearly counterbalanced by the fact that he may be employed for 45 hours in succession.

423. Should you not consider that counterbalanced by the fact, if you found that nine-tenths of the negroes were in possession of additional time, which they were now employing for their own benefit?—I believe my replies to the two first questions which have been put to me to-day were not heard by all the members of the Committee: they referred to this point, that not only negroes under punishment

may be worked 42 hours in succession, but even the whole gang, provided they are not engaged in field labour only, may be so worked 45 hours; therefore the negro under punishment may be worked for 60 hours.

424. Assuming that that extreme case has never in one instance occurred; assuming, on the other hand, that nine-tenths of the negroes now in Jamaica do work for wages during their extra time, should you say that that is not an important modification of the former system of slavery?—It is a great modification undoubtedly, as a legal modification; but I believe that cruelty may be practically exercised, in consequence of the Jamaica Act not having provided adequate protection, and this one advantage be thus counterbalanced by another hardship; though it is still a valuable modification, but not of that importance that I consider the two others.

425. Do you not think the modification of importance as it affects the character of the negro and his future comfort?—I think the greatest modification is that which puts an end to slavery altogether within a limited time: it may be so, but in a minor degree.

426. You do not attach much importance to that?—Not much comparative or relative importance, because advantages of that kind may be counterbalanced by other disadvantages. There is another hardship which I have not mentioned, because I have not looked into the regulations sufficiently to ascertain its correctness; I have it only on the declaration of others: by the manner in which this Act is worded, the planter has the right, it is said, of almost unlimited imprisonment; and that, I conceive, would counterbalance many an advantage. The reasons I have not called the attention of the Committee to that are, first, that I had not fully ascertained the fact, and that now I consider it rather arises from an error of the transcriber than from intention on the part of the Legislature; though the law, as it now stands, is certainly open to a very dubious construction. It is contained in section 39 of the said Jamaica Act, p. 278 of the Parliamentary Papers: "And be it enacted, that on every plantation the special justices shall appoint one or more of the apprenticed labourers thereon, with the consent of the master or manager, to be constables, who shall be empowered to maintain peace and order on such plantation, under the directions of the proprietor or manager thereof, and to secure and place in confinement any apprenticed labourer who shall commit any offence on such plantation, or any apprenticed labourer not employed on such plantation who may be found loitering thereon without the knowledge or permission of the proprietor or manager thereof; such apprentice confined as aforesaid not to be kept in custody longer than shall be necessary to procure the attendance of the special justice: provided always, that if the attendance of a special justice cannot be procured within twenty-four hours, it shall and may be lawful for the proprietor or manager aforesaid to order the release of such apprentice so confined as aforesaid after the expiration of twenty-four hours." Now, therefore, if the attendance of a special justice is not procured for a fortnight, the man may be kept in prison for that fortnight, though the object, as I would have supposed on reading this Act, was exactly the reverse. Instead of "it shall and may be lawful," it should have been rendered "incumbent" upon the proprietor to do so; that is, I think, clearly the intention of the framers of the Act.

427. Have you referred to page 34 of the First Part of the Parliamentary Papers, and read the observations of Lord Stanley upon that very section?—I have read them.

428. Have you looked into the Act in Aid to see whether there is any alteration made with respect to those provisions?—I believe there is not; Mr. Bildam, who has looked through it carefully, informs me that he has not been able to find any alteration; but even Lord Stanley does not appear to have taken exactly the same objection; it is in substance perhaps the same, but not precisely the same on the score of time. Lord Stanley points out other defects and omissions, none of which appear to have been adopted; so that the clause giving an undue power of imprisonment to the manager over the negro, if he chooses to exercise it, I consider still open to objection.

429. Your objection would be met if periodical visits were made within a less period than you have stated by the special magistrate to every estate?—It would be diminished.

430. Mr. *Gladstone*.] Are you disposed to think that under this clause the manager is obliged to procure the attendance of a special justice as soon as possible;

sible; the words are "such apprentice confined as aforesaid not to be kept in custody longer than shall be necessary to procure the attendance of the special justice"?—The word "necessary" would go to that.

431. Sir *George Grey.*] Will you turn to page 43 of the first of the series of Parliamentary Papers; in the fourth paragraph of Lord Sligo's despatch you will find the construction he puts on that passage to which you refer; what is that construction?—The reverse of that I have mentioned: "Now the Abolition Act provides I think sufficiently against this, because it decrees that in no case shall an apprentice be confined more than 24 hours. If the attendance of a magistrate cannot be procured before the expiration of that time, the man must be released." He is mistaken; that was the intention, but I conceive that is not the usual construction of the words used; "and to prevent an abuse even of this limited power, the Act further provides that though the man must be released, the complaint must be preferred the first time a magistrate can be procured." I do not see anything of the kind in these words.

432. Are you aware that certain decisions of the Court of King's Bench in this country have declared that certain enactments in statutes shall be construed as imperative, particularly in favour of freedom?—I am aware that constructions of that kind have been put on Acts at different times, but even with that construction which has been given to certain statutes, I am not satisfied that this must be construed as imperative, it seems so strangely put; the intention, I agree with Lord Sligo to have been, that the negro should not in any case be in confinement for more than 24 hours.

433. Mr. *Buxton.*] Are you to be understood to go so far as to say that the only two very important provisions you find are one that the time for the expiration of slavery is fixed, and the other that there are a number of persons of different habits and different connexions scattered throughout the island; do not you believe that, practically speaking, there are other very considerable improvements, one of which is that the negro cannot practically be worked the same length of hours he used to be?—That is a very great improvement, but yet there have been many things withdrawn from him, if it be true that the indulgences also have been withdrawn. I may remark, that though I laid due stress upon that, I should not consider it of that extraordinary importance I do the other two; for, if we are to take the report of the planters of Jamaica on this subject, we are to recollect that formerly the negroes had at least half a day in the week, besides the Sunday; 26 days in the year.

434. Lord *Sandon.*] Do you believe that those indulgences to which you have referred are so important as the improvement of moral character which is likely to arise in the new state of things, from their possessing a larger portion of time, which nine-tenths of them are in the habit of disposing of for wages?—No, I do not believe that they are.

435. You believe, on the contrary, that the more a man is able and compelled to provide for himself, the more beneficial it is to his moral character?—He is better suited to become an independent member of society.

436. Unquestionably you do practically consider that those two advantages which have been referred to are of great importance?—They are of great importance; but I apprehend also those I have previously mentioned are of far greater importance. There are so many means by which the negro may be deprived of the time conceded to him by law, when nearly every offence, however trivial, is visited by the deprivation of such time.

437. Sir *George Grey.*] It may be?—It must be in some instances, as the master is to be indemnified.

438. Is there not a discretion vested in the special magistrate with respect to the administration of punishment?—I think the best way will be to state that, upon the whole, the third is a very great improvement also, and second only to the other two.

439. Mr. *Buxton.*] Though you admit that very considerable improvements have taken place, as comparing apprenticeship with the former state of slavery, yet you complain that in carrying out the Act of the British Parliament adequate improvements have not taken place?—Just so; adequate provision has not been made by law.

440. Sir *George Grey.*] You are understood to disclaim any knowledge of the

John Jeremie, Esq.

25 April 1836.

practice in Jamaica?—I do distinctly disclaim any personal knowledge of the practice in Jamaica.

441. Lord *Sandon.*] Do you not think it is practically more important to the Parliament to know how the condition of the population has practically been affected by the Legislature, than to know how, by the strictest possible interpretation of minute regulations, the condition of the population may be said to be affected by the Act of Parliament?—The great question which the public will feel to be important is the practical condition of the negro undoubtedly; but it seems to me also very important to ascertain his legal condition, because his practical condition will be in a great measure dependent upon that. The manager for years possessed an exorbitant degree of authority or power over the labourer; he has been deprived of this power, and therefore may be fairly considered as in a state of extreme excitement; then again, the manager formerly had a permanent interest in his negro, he has now but a very short-lived one. Under these circumstances, therefore, if ample provision be not made by law for his protection, those abuses of power which previously existed may be fairly supposed to have been renewed, and renewed with some intensity. Therefore I think it material, first, to ascertain his legal condition, and then, bearing in mind the former condition of the colonies, and the present "transitory" position (if I may use the phrase) of both master and manager, perhaps a clue may be afforded to his practical condition. It is in that light chiefly I was anxious to ascertain his legal condition.

442. The value of many of those provisions, which you think, as they are expressed, may be construed one way or another, will practically depend on the number and character and efficiency of the special magistrates?—In a great measure they may; but it may still be generally objected to those Acts, that whenever the special magistrates are called upon to act in behalf of the negro as against the manager, they are deprived of all power except to the amount of a miserable pittance of 3 *l.* sterling, which 3 *l.* accrue to the Crown. Take the case of provisions or clothing, or of provision grounds; the magistrate may have delivered a judgment declaring the clothing or the provision ground insufficient; the master will be fined 3 *l.* sterling. Who will obtain that? the King. What becomes of the negro? he starves in the meantime. In short, the magistrates have no adequate authority, with regard to everything requisite, to render the negro state superior to that which existed whilst he was in slavery.

443. You conceive the state of the negro in one respect, from the diminished interest his proprietor has in his good condition, to be one requiring greater protection of law than existed before?—I do, and from the excitement that must prevail at a period of transition.

444. Mr. *C. Lushington.*] Will you refer to the 40th clause of the first Act; that clause provides for the punishment of the apprenticed labourer if he shall resort to a special justice on frivolous complaints. Looking to the 39th clause, which empowers masters "to secure and place in confinement any apprenticed labourer who shall commit any offence on such plantation, or any apprenticed labourer not employed on such plantation who may be found loitering thereon, without the knowledge or permission of the proprietor or manager thereof." Supposing on an investigation by a special justice that the complaint of the proprietor or master appears frivolous, is there any clause which provides for granting redress to the negro for a frivolous complaint against him?—None; the negro may be charged by the manager, and he has no redress if he has made a frivolous complaint, except a frivolous complaint should be considered a wrong and injury under the 49th section.

445. Then in this instance there is no fair reciprocity between the parties?—In almost every instance which can be quoted. Taking the enactments applying to each of the parties, I can safely say there is not one in which a fair reciprocity is established.

Martis, 26° die Aprilis, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. William Gladstone.
Mr. Fowell Buxton.	Mr. Thornely.
Mr. Andrew Johnstone.	Mr. Charles Lushington.

MR. LABOUCHERE, IN THE CHAIR.

Richard Robert Madden, M.D., called in; and Examined.

R. R. Madden, M.D.
26 April 1836.

446. Mr. *Buxton.*] YOU were appointed a special magistrate of Jamaica?—I was.

447. At what time did your appointment take place?—About 10 months previous to the 1st of August.

448. When did you arrive at the West Indies?—The beginning of November 1833.

449. And when did you arrive in England on your return from Jamaica?—I remained four months in America, having left Jamaica about the latter end of November 1835.

450. So that you were in Jamaica about 12 months?—Yes, and upwards.

451. As a special magistrate?—I was not in the exercise of the duties of a special magistrate more than three months, but as a local and special magistrate I was for nine months in the exercise of both duties, having been put in the general commission of the peace by Lord Mulgrave, about three months after my arrival.

452. Did you on your return to England address a letter to Mr. Hay, the Under Secretary of State for the Colonial Department, transmitting observations on the working of the Bill for the Abolition of Slavery in the West Indies?—I did.

453. Will you be kind enough to see if this is the letter. (*Document handed to Witness.*) Have you any objection to read that document?—None.

[*The following Document was then put in:*]

Copy of a LETTER from Dr. *Madden* to *R. W. Hay*, Esq., transmitting Observations on the Working of the Bill for the Abolition of Slavery in the West Indies.

Sir, 7, Panton-square, 14 March 1835.

I BEG to lay the accompanying document before the Earl of Aberdeen for his Lordship's consideration. It contains a plain statement of the progress and prospects of the measure for the Abolition of Slavery in the island of Jamaica, where I resided, by Mr. Stanley's appointment, for the last year, and held the situation of special magistrate in Kingston since August, in which place the duties are considered of the first importance. In entering into explanations of the nature of the opposition the new measure has had to contend with, I am not insensible of the proprietors' embarrassments, and the angry feelings their difficulties must give rise to; nor am I ignorant that it is not in human nature to encounter depreciation of property without repugnance, perhaps resistance, even where resistance can only augment the evil. In alluding to the mischief that has arisen from the jealousy of the local magistrates, I am aware it is not to be expected that authority is to be relinquished with alacrity; and in the case of the overseers, whose conduct has not been favourable to the working of the new law, that the loss of power and the cessation of their influence might be forced to lead to acts of vexatious opposition. I believe, however, the fault lay more with the system they had to do with, which placed few limits to the exercise of their power, and the laws that sanctioned that latitude, than with those who took advantage of their protection for agricultural or commercial purposes. Connected nearly with Jamaica interests, and my nearest connexions depending wholly on their properties in that island, the welfare of the colony is one of my first wishes. So far the opinions I have expressed, I trust, are not ill considered or influenced by visionary theories. Should his Lordship think the observations I have put together for his consideration worthy of any attention, the nature of the alteration that they suggest in the present system would make the subject of another communication.

I have the honour, &c. &c.

(signed) *R. R. Madden.*

R. R. Madden, M.D.

26 April 1836.

The Working of the Bill for the Abolition of Slavery in the West Indies.

The apprenticeship system, I believe, would have answered the object it was meant to accomplish, had it met with a fair trial.

The difficulties, however, it had to encounter in the island where I had opportunities of observing its progress, did not admit of its obtaining that trial. These difficulties may be referred to six sources:—1st. The non-residence of the great majority of the proprietors on their estates. 2d. The inability of the majority of the resident proprietors to pay the negroes for their own time. 3d. The separate interests of the attornies who manage the estates of the absentees from those of the owners. 4th. The importunity of the merchants at home, to whom the greater portion of the estates are mortgaged for large returns, while the means of obtaining them are diminished by the quantity of labour being decreased about one-third by the new law. 5th. The jealousy of the local magistrates, whose jurisdiction is superseded by the special justices. 6th. The angry feelings of the overseers, whose power over the slaves is transferred to the new magistracy. These I consider the chief sources of the opposition which the apprenticeship system is now encountering at the hands of the white population; and the nature and extent of that opposition I will point out presently.

The opposition on the part of the negroes may be referred to three heads:—1st. Incapacity, or at least unwillingness, to comprehend prospective advantages. 2d. Reluctance to labour without wages. 3d. Disposition to withhold their own time, and that of their children under six years of age, from their masters as a retaliation for past grievances, real or imaginary, or the recent deprivation of their old allowances. To these causes, the indolence that is natural to the negro character and the sudden cessation of field punishments might be added; but I have not done so, because wherever I have known the negro's own time paid for by a proprietor, in whom the negro had no mistrust, that indolence was overcome, and the stimulus of arbitrary punishment was not required. Individual exceptions there may be many; the major part of the body of negroes on such estates I speak of.

The principal sources of the difficulties, under the four heads first alluded to, are too obvious to need referring to; the fifth is one derived from the preceding ones, and its mischief is more immediately felt in the colony than perhaps any of the others.

In the absence of the extensive proprietors, the local magistrates are chiefly chosen from the body of attornies, the small and perhaps embarrassed proprietors, and the political adherents of both, in large towns where clamour against the Government gives these persons an influence which the executive finds it necessary to conciliate as much as possible. The same observation applies a good deal to the choice of persons for the office of members for the House of Assembly. The large landed proprietors of Jamaica, generally speaking, are not represented in the House of Assembly. The magistracy of Kingston hold their commissions from the corporation. They are independent of the executive; and from the constitution of that body, it is far from desirable that they should be so. The corporation of Kingston is founded on the American model, and is a municipal democracy, totally unfitted for the state of society in Jamaica. I believe it is the opinion of the Governor, the Chief Justice, and the Attorney-general, that its existence is a great evil; and I know that most of the respectable inhabitants of Kingston think the removal of its privileges would be a public benefit.

Constituted as the local magistracy is generally, opposition to the apprenticeship system must be expected; there are a great number of the country magistrates, however, who, though averse to the new system, as far as humanity, honesty, and respectability go, might be safely entrusted with the administration of the new law; but I think there are many more who might not. As matters now are, the great majority of them feel injured by the appointment of special Justices, and their influence is exerted successfully on the press and the House of Assembly to thwart the Government, to oppose the special Justices, and to render the negroes discontented.

The overseers and book-keepers are not only adverse to the new measure, but they are interested in defeating it. It has deprived them of their authority; in a few years it must deprive them of their bread. Their irritation can no longer be vented in actual violence, but it is exhibited to the negroes on every trivial occasion in expressions of invective and abuse; and in the parish of St. Ann's, I might add, by the proprietors, in the language of extreme passion and virulence. The negroes resent this by a sullen spirit of indolence in the field, and a secret combination in their own huts, to carry "passive resistance" to the greatest possible extent. It cannot be denied they do not work as heretofore. They consider the treatment of their Bushas, and the loss of their former allowance, by no means counterbalanced by the advantages derived from the abridgement of the time of labour. Their conduct under this impression is provoking; nay, in many instances unreasonable; but forbearance is as requisite as firmness to overcome it.

In some instances they have gone to the extent of refusing to work at all; in others of hooting the special magistrate, who were brought to coerce them; and on one occasion of burning the workhouses, while the magistrate was investigating the complaints of the proprietor. In fact there is a bad spirit prevailing between the proprietors and the negroes. The old prejudices of the one, and the new privileges of the other, are at war; the special magistracy is interposed between them, and the issue depends on the prudence, the independence, and the numerical force of the latter, and on that force being protected strongly by the executive. Adequate protection I believe it is not in the power of the executive to give them; to increase their number to the extent required, would be to double the original number sent out previously to August; and to enable them to discharge their duties efficiently, would be to add considerably to their present salary. The harassing nature of the duties assigned

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to them by the alteration of the English Act in the House of Assembly, and the pecuniary embarrassments incidental to the discharge of these duties, are explained somewhat at large in the Document No. 2., a copy of a letter to his Excellency the Governor, on the subject of these difficulties.

The vexations the negroes now suffer may appear more trivial than they are in reality. Their rights, it may be considered, are sufficiently protected by the Abolition Law. It is very true they cannot be punished by their owners; their evidence cannot be refused in a court of law, their time of labour is abridged, they cannot be sold in the market-place, nor separated from their connexions and disposed of for an owner's debts or a gaoler's fees. These evils they are now exempt from, at least the law intends them to be so; but in all that respects the mode of administering their supplies, of apportioning their time of labour, of defining the extent of the jurisdiction of the special justice, the matter is so vaguely expressed in the amended Act, that loop-holes are left for innumerable vexations, which it is not in the power of the special justice to prevent or punish. These vexations consist in withholding the customary allowances of salted provisions, rum and sugar; or, where they are continued, of exacting from the negro such extra labour as the law has allotted him time for, for the necessary cultivation of his own grounds. It has been in vain that the spirit of the law has been invoked, where it has unfortunately proved deficient in the letter, to secure for the negro their usual allowances, and those privileges which the Slave Law afforded the female negro who had six children, living on an estate, of exemption from field labour; or the allotment of lighter work for those in the advanced months of pregnancy; or the abstraction of sufficient time from their masters, for the necessary performance of the offices of maternity, which was formerly allowed to the mother in the field.

To the negro, who looks on the deviation from an established custom as a deprivation of a right, these alterations in the management of a property are of no little moment. The aged and infirm people who formerly attended the working gangs in the capacity of cooks and nurses, are no longer allowed, or where they are, their services are paid out of the time of the labourers. There are exceptions; they are however but exceptions to the recent changes. The severity of a recent Act constitutes it an act of vagrancy for the apprentice of one property to be found in the negro hut of another, though persons connected by those ties which custom has sanctioned, though religion has not sanctified, are usually to be found on all adjoining properties; while the children under six years of age, whose parents may refuse to apprentice them to their former owners, (and the determination to refuse is almost universal,) may be taken before the special justice on the plea of destitution; or where deterred from that proceeding by the frequency of its failure, the parent is menaced with the dismissal of those children from the property which the law does not compel them to provide for. These vexations are in daily operation, and the special justice finds the attempt to repress them productive only of a spirit of resistance to his authority, and an opposition to the exercise of it, which acknowledges no control.

These things may be doubted, because the line of conduct described is opposed not only to the public tranquillity, but to self-interest and common sense; it is so, but where angry feelings are created in the Colonies, they predominate over all other considerations.

The public tranquillity cannot be served by the constant vituperation of the negroes in the House of Assembly, and the attempts made there by Mr. Batty and Mr. Barrett (the latter the indefatigable opponent of the new law) to defeat the abolition measure, and even to unsettle the terms of the compensation.

Self-interest is not promoted by the choice of a period like the present for the paltry saving in the items of the bill for the estate supplies, or by the exasperation of the apprentices at a time when the title to their services is held by the tenure of a bond that will not be in force, "under any circumstances," in six years.

Common sense cannot influence the conduct of the proprietors who fritter away the four and a half days which the law intended should be given at one time, and that time on Friday, by doling it out day by day, an hour at a time, an arrangement which renders it of no advantage to the negro for the cultivation of his grounds (the purpose expressed in the Act for which it was allowed); for these grounds are very often one hour's distance from their huts: and the Sunday market being abolished, the Saturday is necessarily devoted to that purpose. There is no other day therefore, but that half of Friday, for the cultivation of their grounds. They have come before me time after time, the whole body of the negroes of the President of the Council, of Mr. Grosset, the member for St. Thomas in the East, and very many others, and these negroes have told me their families would be starved if they did not get the half of Friday for their grounds; and I have had to tell them they could not have it, and to feel that the law intended that they should.

Common sense and humanity, which is its policy, did not suggest or sanction this arrangement, because if the estate gained four and a half hours of labour at one time, at the expense of the good-will and the wellbeing of the labourer, who in a little time will have the power of making his own terms with the employer, the temporary advantage was very foolishly exacted or required; and if this frittering away of the negro's time proceeds, as it too frequently does, from other motives than advantage to the estate, from a stupid desire for indulgence in vexatious measures which may solace the overseer for the loss of his authority, or the attorney for the prospective disadvantages to his office, or the book-keeper for the restraints on the exercise of hand or foot in his remonstrances with the negroes, the interests of the owner must suffer: nay, if this state of things continue, be eventually sacrificed. The tranquillity that now exists in Jamaica is of a very precarious kind; where it

R. R. Madden, M.D.

26 April 1836.

appears to prevail most, I have reason to know the dissatisfaction is most general; the danger of its proceeding to outrage most imminent.

But what dissatisfaction should prevail when the wrongs of the negro may be redressed by the special justice, and graver injuries be brought before a higher court and punished when they are proved?

So far from "the amended law" being sufficient for the protection of the negro, the special justice will hardly find the power of the executive (with every disposition to support him) strong enough to protect himself.

As to the protection of the higher courts, to glance at their constitution is at once to see their inadequacy to the protection of the negroes. (I speak of the Quarter Sessions Courts.) Who are the judges? the store-keepers and planters, who possess most political influence to procure their recommendation from the custos to the Governor. Legal knowledge is no requisite; the principles and the precedents of common law they receive from the clerks of the peace as emergencies require. Two of them preside as assistants in the Supreme Court even in the towns of their own residence, where a case cannot come before them in which they are not directly or indirectly influenced. Their salaries are 700*l.* a year currency! This evil of putting men ignorant of law in the highest legal offices is the greatest impediment to justice I know of in the colonies. The next in degree is that of selecting men for juries whose animosities and prejudices with regard to the negroes are so much a part and parcel of an overseer's creed, that impartiality cannot be expected. Yet the juries in the Quarter Sessions Courts, and very often in the Grand Court, are composed of Bushas, while the prisoners are negroes, and the very names cannot come in contact without suggesting ideas of mutual animosities.

The effects of these evils in the courts of justice in Jamaica I observed for upwards of one year in that island, and my impression is that they have increased in mischief very much of late. * * * * * * * * * * * * * * *

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In my opinion this is a state of things not to be remedied under the present system. In this state of things, will the negroes in six years be in a fitter condition for freedom than they now are? It is greatly to be feared in that interval of restricted liberty, the relations between the master and the apprentice will be rendered wider every day, and more heart-burnings will arise than would probably have arisen between the owner and the slave.

Will the proprietor be in a better condition to pay wages to his labourer at the expiration of that term than he will be at the end of another year, when some part of the compensation-money may be at his disposal? The probability is he will not.

Is there a prospect of education becoming more diffused during the apprenticeship? or of the present system pursued by the Sectarian Missionaries becoming more calculated to elevate the intellectual character of the negro? or of the clergy of the Established Church rendering their instruction more available to the negroes, and better suited to their spiritual wants?

To each of these questions I have no reply but a negative to give. I wish it were otherwise.

But there is another question, and one of no little importance. Is the dissatisfaction of the negroes likely to proceed to serious disturbance; or is advantage possibly to be taken of their dissatisfaction to augment the clamour for martial law, which the press, that disgraces the island, and the insensate part of the community are now crying out for with so much vehemence?

It is most earnestly to be wished that such events may not take place. But were partial disturbances to arise, and the clamour which I speak of, which his Excellency the Governor has hitherto had the firmness and humanity to resist, were urged with still greater violence; how long might it take to goad discontent to some outrage, whose phrenzy might afford a pretext for a lawless retribution under the name of martial law.

It is fearful even to contemplate a repetition of the scenes of the last rebellion. I can conceive no calamity so great as the necessity for martial law in Jamaica, no security so dearly bought as its protection, no outrages so difficult to be repressed as its excesses.

It may not become me to express an opinion on the subject of the continuance of the apprenticeship system; but a strong persuasion of the insufficiency of that system for any useful purpose as a probationary term of improvement for the negro, or a prolonged period of unpaid labour for a temporary advantage to the proprietor, induces me to express the opinion I entertain, that with the opposition and difficulties it has to encounter there is no security for the rights of the negro, no improvement in his intellectual condition, and no adequate amount of remunerating labour for the proprietor under the present system to be expected.

454. Mr. *Burton.*] Your report contains several specific cases of alleged cruelty?—No; there are very few cases of mine of alleged cruelty.

455. Mr. *Thornely.*] There are five cases?—None of them came under my own cognizance; I gave six cases to instance that nothing was to be expected from the Jamaica juries, when convictions could not be procured, or when they were procured adequate sentences could not be carried into effect. I have given the cases in my book without the names; for instance, where the men were acquitted, I do not think it would be quite fair to make a public use of these documents.

456. Mr.

456. Mr. *W. Gladstone.*] Are they not the basis of that entire conclusion?—No; I gave them six cases in proof of the assertion, that no justice was to be expected from a Jamaica jury against a white man.

457. Mr. *Buxton.*] There can be no objection on your part to Mr. Burge seeing the particular cases you allude to?—Certainly not.

458. Besides which, it appears from your book they are all taken from sworn information?—Yes.

459. The *Chairman.*] Are the cases in that paper precisely the same as those that are in your book?—Yes; I think precisely the same.

460. Mr. *W. Gladstone.*] There are five, you see; the cases in the paper are, Dr. Jelly, Dr. Bruce, Mr. ——, of Portland, Mr. Kennedy, and Mr. Brackenridge?—The Government took steps, I understood, in some of these cases.

461. Mr. *Buxton.*] Do you see any reason to alter the opinions you have given in this paper?—I have been told that the allowances in a great many instances that came under my knowledge have been granted; that the allowance which had been withheld had been granted: I have heard so, I do not know it from my own experience.

462. Mr. *A. Johnstone.*] Do you mean generally, or in particular cases?—From what I have heard, I should say generally.

463. The *Chairman.*] Do you see any other reason to alter any opinion you have stated there?—I do not call to my memory any other reason.

464. Mr. *Buxton.*] Are you aware that the Attorney-general's opinion was asked as to the negroes being entitled by law to the customary allowances?—Yes; I know it was.

465. Are you aware that the opinion of the Attorney-general ran thus, [*referring to Dr. Madden's book*]?—I believe it is accurately copied there.

466. Read it, if you please.—"The Slavery Abolition is a remedial act, and to be construed liberally in order to effectuate the benevolent intentions of the Legislature; the slaves, now apprentices, are not to be placed in a worse condition than they heretofore were; their allowances, some of them, were by custom, but so too was slavery, for it never at any time had any support save from custom, which, when universal, as it was in Jamaica, is law; slavery is, and was, however, contrary to common law; and as it invoked the aid of custom as making it valid, so I conceive may the apprentices invoke custom in the support of their usual allowances, even whilst they are in the intermediate state of apprentices. This refers to the non-working in the field women who have more than six children living; which besides, is sustained by the Apprenticeship Law, it declaring that apprentices shall have the usual allowances. This refers to the case of suckling infants, for which the slaves were allowed heretofore time, out of the time devoted to labour; and further, in all these cases I say that universal custom is law. As to by-paths, they must be permitted; no constable's oath either was intended to, or could control the law. By-paths long time used cannot be stopped up. This was decided in England, in a celebrated case in which the highest personages in the realm were parties. I have also to state that the law never intended to prevent persons repairing to estates who had just cause so to do, though they did not belong to the estate. I conceive that an apprentice's wife has as good right (such having been the custom) to remain with her husband on the estate as the overseer himself has; his grounds for the time are as it were his, as truly as those of a cottier in the mother country are his, save that he cannot use them for any purpose than his immediate purposes of support."

467. Mr. *A. Johnstone.*] Who is the attorney?—D. O'Reily.

468. Mr. *Buxton.*] Are you aware the case was submitted to Mr. Batty, and that he gave his opinion thereupon?—I believe he gave an opinion directly contrary to that which I have read.

469. Turn to page 270; is that the case submitted to him?—Yes, and his answer to it. The following case was submitted to Mr. Batty, for his opinion on the subject of the allowances. "It has been the custom for a number of years past in the parish of Trelawney, as well as most other parishes in this island, to give the negroes upon the estates a weekly allowance of herrings and salt cod-fish, also oatmeal, flour, sugar, rum, &c., and sundry articles of clothing at crop-over and Christmas, as a reward for good conduct; and to women with six children a weekly or daily allowance (according to their respective cases) of rice, sugar, &c.

"It is submitted that these allowances were never compulsory on the master,

R. R. Madden, M.D.

26 April 1836.

by the Slave Law, or otherwise, (except as to the clothing) but have been granted to the negroes merely as indulgences, and always considered such by them; for the power of withholding these allowances has always been exercised by the master on occasions of misbehaviour or neglect of duty on the part of the negroes. The above mentioned indulgences have been granted only upon some properties; upon others the allowance of salt fish, at crop-over, has been stopped for some years past, and given only at Christmas; upon others it has been withheld altogether, and upon some properties they have never been given at all.

"From the abridgment of the time of labour of the apprentices under the new system, and from other causes, it may be anticipated that the emolument to proprietors of estates will even be less than it has of late been, consequently the indulgences or allowances above alluded to may of necessity be curtailed, or perhaps altogether withdrawn, if there is no law or obligation to the contrary to compel the owners to continue them.

"Under the new law, it is not clearly understood whether apprentices employed on estates in domestic occupation, such as cooking, washing, cleaning outhouses, &c., are to be considered prædials attached, or non-prædials; the females have their grounds, and cultivate their own provisions, and may be said occasionally to assist in the manufacture of produce. Youths, when they arrive at the age of 14 or 15, are sent from the house to learn trades or field cultivation; and females of weak constitutions are frequently relieved for a time from field labour, and employed as domestics. The cultivation and manufacture of produce cannot in fact be carried on, unless some of the labourers are employed to cook, wash, and perform other domestic offices.

"You are requested to advise generally, whether under the provisions of the Abolition Bill, the custom of occasionally or generally having granted the indulgences or allowances above mentioned has now become law; and if the apprentices are now entitled as a matter of right to them, and whether it is obligatory on the masters to grant their apprentices such allowances or not.

"Whether apprentices employed in domestic occupation on estates are to be considered as prædials attached or non-prædials?"

470. Will you now read Mr. Batty's opinion?—"I am of opinion that, under the Abolition Act, the apprentices are not entitled to the indulgences and allowances above alluded to. The 16th sec. of the Act gives them the same 'food, clothing, medicine, medical attendance, and such other maintenance and allowances,' as the owner was required to supply a slave, by the Act for Government of Slaves, 1st William 4, cap. 25. Now on referring to this Act, it will be found that the only clauses in that Act on the subject are the 11th, 12th, 13th, and 17th, neither of which specify or require the allowances above mentioned to be given to the negroes; the 11th provides, that owners, &c. shall inspect the provision-grounds, and where the negro-grounds are unproductive, or there is no land proper for provisions, shall by some other ways and means make 'good and ample provision for all such slaves as they shall be possessed of, in order that they may be properly maintained and supported, leaving the mode and nature of the support to the discretion of the owner.' The 12th clause requires 'every owner to provide proper and sufficient clothing, to be approved of by the vestry.' The 13th requires an affidavit that the grounds have been inspected, and that every negro is 'sufficiently provided with grounds,' or 'where there are no grounds, with ample provisions,' as required by the 11th section. The 17th section compels every owner to provide infirm and disabled negroes 'with sufficient clothing and wholesome necessaries of life.' The 8th section of the Act in Aid of the Abolition Act, passed 2d July last, has no clause respecting allowances to the apprentices, except the 8th, relative to sick apprentices, who under it are to have the same medical care and attention as has heretofore been customary. It is clear therefore, that, by the Slave Act, an owner is not obliged to give any of the above allowances, but merely to provide sufficient grounds fit for the cultivation of provisions. The 11th section of the English Abolition Act, from which our Act is taken, makes this more clear, as it expressly says, in case of prædial apprentices, the owner shall provide them with ground adequate for his or her support.

"2nd. This has been an extremely doubtful point, and I fear will continue so until a further explanatory Act is passed. If the first part of the 4th clause of the English Act, and if our Act stood alone, it would be clear domestics on an estate would be prædials attached; as, although not 'usually employed in agriculture, or in the manufacture of colonial produce,' yet they are otherwise employed on lands

lands belonging to their owners. But the proviso at the end creates the difficulty, as it omits the words 'or otherwise,' and substitutes 'habitually' for 'usually.' Although this proviso of an Act has been repealed, yet it in substance has been re-enacted by the 2d section of the Act in Aid of the Abolition Act, passed the 2d July last, which expressly enacts, that no person of 12 years or upwards shall be included in the prædial classes, unless such person shall for 12 calendar months next, previous to the 28th of August 1833, have been habitually employed in agriculture or the manufacture of produce. Such also appears to be the construction put on the Act by the English Government, as appears by Mr. Stanley's letter, of the 20th of February last, to the governor, communicated by him to the House of Assembly. On the whole I must state, that a court of law would construe the act to mean, that domestics and tradesmen, unconnected with the manufacture of produce during those 12 months, are to be considered as non-prædials."

471. Mr. *Buxton.*] What do you consider to be the essential difference between apprenticeship and slavery?—I do not consider that there is any essential difference.

472. In page 113 of the 2d volume of your book, you have stated that slavery still virtually exists under the name of apprenticeship?—Yes, I have stated so I know.

473. And at page 163, you have said, "slavery is indeed scotched in our colonies, but is not killed; its name is changed, its character remains to be changed hereafter?"—Yes, I have said so.

474. Please explain to the Committee your reasons for entertaining those opinions?—I think the apprenticeship system has many relative advantages over slavery, and it has one great prospective advantage of freedom at the end of it, which in my opinion is the greatest advantage the new system has; the relative advantages are the limitation of labour and the limitation of punishment; so far as those limitations go the apprenticeship system has a decided advantage over slavery. The reason I do not think there is any essential difference between them is, that in both labour is compulsory, without wages; and corporal punishment is inflicted where labour is withheld; therefore I cannot think where such is the case there is anything like a perfect state of freedom.

475. At page 253, by the Imperial Act, the master you say is bound to maintain his negroes as heretofore; do you consider that to be the fact?—I do.

476. Explain the extent to which the allowances formerly made to the field negro were to be considered as necessaries rather than indulgences, and in what light they were regarded by the negro himself?—I consider they were not given as indulgences to the negro; the master had the power of withholding them as a punishment, and I have frequently seen them withheld as such; but I think if the master previous to the 1st of August had withheld them without cause of complaint on his part, he would have put his property in a state of rebellion.

477. Did the negroes consider them as rights to which they were entitled?—They considered them as rights, and as necessaries which they could not do without.

478. How far were the negroes during the time of the apprenticeship compelled to purchase their former allowances by the sacrifice of that time which the Imperial Act had allotted to the negro?—I have in many instances, previous to the 1st of August, heard the attornies tell the negroes they would be obliged to yield their own time on Friday, in consideration of getting their usual allowances; it was generally told them previous to the 1st of August.

479. So that your opinion is the Act contemplated the continuance of the allowances, and that the negro should have a portion of time for his own use; that, in point of fact, the negro has been obliged to sacrifice the assigned time in order to procure the accustomed necessaries?—I think he gave more than an equivalent for the allowances in his own time.

480. The Committee want the fact whether, in order to purchase those necessaries, he has been in many instances obliged to sacrifice his time?—He has, to my knowledge.

481. Is not the attendance of a nurse upon a sick negro an indulgence which must afterwards be repaid by the surrender of his time?—I disbelieve that that is the case, I never heard that it has been done. I never heard of a negro being called to pay time for the attendance of a nurse.

R. R. Madden, M.D.
26 April 1836.

482. Did you ever hear that the time during which pregnant women are confined, previous or subsequent to delivery, is required to be paid for out of their own time?—No, I never heard it; nor have I ever heard any of the special magistrates complain of that; but I have known very great hardships suffered by pregnant women in consequence of being called on to work up to the last moment of their pregnancy, which before the 1st of August they were not called upon to do. I have had them frequently come before me complaining they were "in belly," and that they could not work; and I made an order that they should not work up till within two months of their parturition, except at very light work.

483. Are the contracts for time regulated by the special justice or by arrangement between the parties?—They would not be binding on the negro without the sanction of the special justice; they are often made by the parties themselves; but the negroes might break the engagements if they chose, unless they were made before the special justice.

484. Is it your opinion that the value of the allowances is overrated, and that, besides the injustice of requiring any portion of the time of a negro in lieu of those allowances, they in point of fact require an undue portion of time as compensation for the indulgence given?—I think that the negro's own time is usually worth more than the value of the allowances that are given for it.

485. You are aware that there are two systems, the eight-hour system and the nine-hour system; will you explain to the Committee the practical operation of the two?—The difference between the nine-hour and the eight-hour system was productive of very great disputes in the colony; in one clause of the Colonial Act, the 6th, it is distinctly stated that the negroes "shall not work more than 45 hours in the whole, in any one week;" in a subsequent clause, the 47th, the words are, "or five days, of nine hours each, in any one week;" but from the 45 hours it subsequently subtracts four and a half hours from the 45 hours labour for the negro's own use, and leaves the time of labour 40½ hours, but says the master shall have the power of extending the four and a half hours of the negro's own time over the whole week, instead of giving it him all at once, or the half of Friday; there are three references in the Act to this point; the first is that the negroes shall work 45 hours a week; and, in a subsequent clause, the Act says that "the time of labour shall not exceed 45 hours, or five days, of nine hours each, in one week." It was the general opinion, from that, that the negro was called on to work on the nine-hours' system; the governor, Lord Sligo, issued a proclamation, in which it was distinctly stated to the negroes that they were to labour four days and a half, and that they were to have the half of Friday to themselves. I may state also, that, immediately after that proclamation, another was issued, in consequence of the law officers of the Crown having given it as their opinion that, from the subsequent part of that 47th clause, the distribution of the four and a half hours was optional with the masters. That passage in the 47th clause I consider was completely at variance with two preceding clauses referred to in the Colonial Act. The governor issued another proclamation, telling the negroes they were not to have this half Friday; and that proclamation was almost the cause of a rebellion in the island. The first proclamation contains these words: "You will, on the 1st of August next, no longer be slaves."

486. The first proclamation gave the negroes to understand that the nine-hours' system was to be adopted, and that, in consequence, they were to have the half of Friday as their own?—Most distinctly.

487. Did the second proclamation give them to understand that they were to be deprived of that privilege?—Yes, it did.

488. What was the effect of the substitution of the eight-hours' system for the nine-hours' system on the minds of the negroes?—It had a bad effect generally.

489. Did they consider it a very great hardship then that they were deprived of their Friday afternoons?—They considered that they were wronged of them by their masters.

490. And may not that degree of obstinacy and sullenness, to which you have referred, be in some measure created by their being deprived of that portion of time which the governor assigned they should have?—I think that was the great occasion of it. I can give the Committee an explanation; I consider, in this instance, it was not the error of the governor, but the error of the law; there are three contradictions in the law itself on that clause; it depends on what construction the law officers of the Crown might give to it.

491. The

491. The law being open to two constructions, either being substantially the same to the planter, but one being in the eye of the negro much more favourable than the other, do you not consider that it has been injurious to the working of the apprenticeship system that the interpretation offensive to the negro has been put upon it?—I think it has been injurious to the working of the Act; the fault is in the Act.

492. Whichever system be adopted, whether that of the nine or the eight hours, are the hours strictly limited to eight or nine?—I have never seen a clock on the works of an estate; and where there are sun-dials, the negroes, I apprehend, would not know how to consult them, therefore it is likely they may be wronged as to the time; that depends on the driver.

493. Is the time in going to and returning from labour included in either case in the working hours?—No; the negro is subject to a great deal of wrong and injury from that; he is expected to give either eight or nine hours a day of labour, and that labour commences from the moment he has the hoe in hand until he is called off; but he may be at a considerable distance from the estate. I have known a case where the grounds of the negro were 10 or 12 miles from the estate, and there might be cases where the distance is a mile from his house to his provision-ground.

494. If the master exacts more than eight hours in one case, and nine in the other, what remedy has the apprentice?—He has his remedy by applying to the special magistrate. The apprentice labourer may apply in case of any cruelty or injustice, or any wrong or injustice done to or inflicted upon him, under 49th clause.

495. Is that remedy substantial or illusory?—It altogether depends upon the character of the special justice whether it is illusory or not; this Act is so vaguely expressed, whether the negro gets justice or not will depend upon the construction which is given to it.

496. Is the collection of the negroes by shell-blow sufficiently notorious as to make those punishable who do not attend?—That depends upon the driver, whether he is favourable to the negroes or not.

497. When the apprentices are employed in extra labour, whether for wages or punishment, what means is adopted for measuring the time he works?—If a punishment of 15 hours' additional labour is to be exacted from him, it is at the option of the master to distribute those 15 hours as he chooses in the week.

498. Then the master, if he is disposed to harass the negro, may scatter those 15 hours over a considerable space of time, and thus materially aggravate the punishment which was intended to be inflicted?—I think he has the power of scattering it over any time he chooses in the week.

499. Supposing he chooses to scatter the period assigned by way of punishment over a considerable space, how would each particular item or space of time be computed?—I do not understand the question.

500. Supposing the proprietor chose to scatter the punishment over a considerable space of time, say in half hours at different periods, how would each half hour be calculated, how would you measure it?—The measurement is quite arbitrary, and depends upon the proprietor.

501. Is extra labour exacted in any form after the conclusion of field labour?—Yes, I have heard the proprietors call on the negroes to cut grass, and to cull it after the labours of the day were done; and I have told the negroes they were not compelled to do so.

502. Have you known cases where the negro has refused to do it?—Yes.

503. Did you ever know of a case in which a negro refusing to do it was subjected to punishment?—I know of one instance in which a special magistrate differed with me upon the subject.

504. What was the ground of that magistrate's opinion?—He imagined that it was a customary practice, and that it was one of the essential duties required; that cattle could not be provided for on the estate unless they did so.

505. Did that same magistrate consider a custom as wanting the force of law with regard to the allowances of the negro?—He was one of the magistrates who took the same view that I did as to the customary allowances.

506. Does not the negro attach a peculiar importance to the value of his own time?—He does, a very great importance.

507. Was not one of the chief causes of revolt under the system of slavery, that the slave had been deprived of his customary holidays?—The cause of the late rebellion was the withdrawal of certain holidays.

R. R. Madden, M.D.
26 April 1836.

508. And does not this high estimate of the value of his own time, arise from that period of time enabling him to obtain the necessaries of life?—Does it disable him from obtaining them?

509. No; does it arise from that period when he is able to earn and obtain the necessaries of life?—Yes, I think it does.

510. Are the provision-grounds distant from the huts?—I know one instance where the huts were in another parish, 10 or 12 miles off; one was in St. George's, the other in St. Andrew's.

511. On whose property?—It was on the property of Dr. Spalding.

512. Do you recollect the name of the property?—That I do not recollect; I know it was on one of those properties which Dr. Spalding bought recently, within the last year of my residence in Jamaica; the negroes were in a state of rebellion nearly, on account of it.

513. Are the markets also in general a great distance from the negro huts?—I believe there are instances where they have to travel 25 miles to market.

514. Having regard to the distance in some cases of the negro-grounds from their huts, and the distance in other cases of the markets from their huts, is it not essential the apprentice should receive the allotment of his own time at once, instead of having it frittered away by an allowance of an additional hour every day?—I think in that case it would be of no use to him; it does not enable him to go to his grounds to cultivate them.

515. And so far it checks that industry which the negro might be disposed to employ?—I think it does.

516. Is not the essential evil of the eight-hours' system, that it distributes the apprentice's time over small portions, so as to leave him no day to work for his own support except Saturday?—It leaves him no time at all, for Saturday is the market-day, and any provisions he has he must take to market; and on Sunday, if he worked, the police might take him up.

517. Is not this a great evil to the negroes?—Yes, it is.

518. Is it not that which they have felt beyond all others?—Yes.

519. You concur with them in thinking it is a serious injury to them?—I think it a great injury to them.

520. Does it not in some cases compel them to work on the Sabbath?—When they can do it by stealth they will.

521. Is not the substitution of the eight for the nine-hours' system sometimes held out, *in terrorem*, over the negro as a punishment?—Held out as a threat of punishment?

522. Yes.—That I cannot say of my own knowledge.

523. Have the planters, generally speaking, acted on the eight-hours' system?—When I was there, generally on the eight-hours' system.

524. And do you think that that exhibited a disposition on the part of the planters to render what aid they could to the operation of the apprentice law?—I consider the adoption of that clause was not for the purpose of benefiting the estates so much as rendering the Act unworkable.

525. Under the system of slavery, what time was allowed to mothers for domestic engagements, either nursing the children or providing and dressing food for them, or for attendance upon them in the field?—Under the old slave law I do not think there was any time mentioned, but it was the universal system to employ old women, who acted as cooks and nurses in the field; those persons were withdrawn pretty generally after the introduction of the apprenticeship system.

526. Is the same indulgence now granted?—It was not when I was there.

527. Were the mothers of six children exempted from field labour under the old system of slavery, and are they subject to it now?—They were exempted by the slave law.

528. Are they subjected to it now?—They are subjected to labour now; I have seen them in second gangs.

529. Were not aged and infirm negroes relieved from hard work under the slavery system, and are they not subjected to it under the apprenticeship system?—I have heard them threatened with it; but I have never seen them in the field employed.

530. Did you perceive, generally speaking, on the part of the managers and agents, a disposition to make use of opportunities of curtailing the time of the apprentices?—It seemed to be the prevailing custom, as much as possible, to curtail the time of the apprentices.

531. Mr. *W. Gladstone.*] You said, when you were in Jamaica, the eight-hours' system was generally adopted, was it so on a great majority of the estates?—On most of the estates I was acquainted with in St. Andrew's.

532. Does your knowledge on that point extend beyond the fact of your personal experience?—Yes; for a great many of the special magistrates, from different parts of the island, used to assemble in my house, and I used to hear their opinions.

533. Will that observation apply generally, without attempting to bind you to the accounts you gave of the working of the system in the island?—Whether it was general I only know from that.

534. You said you had opportunities, from meeting other special magistrates, of learning what was the case in other districts; are the Committee to understand that you made use of those opportunities, and that the results of those opportunities are embodied in your remarks generally as to the working of the system?—Yes, they are.

535. According to the eight-hours' system, for how many days does the negro work in the week, and for how many hours on each of those days?—He is called on, by the 47th clause, to give 40½ hours of labour to his master in the week; but the 4½ of his own time, these his master may give him in any way he thinks proper.

536. He is called on to give 40½ hours, independently of the 4½ to which you refer?—Yes.

537. Then, under the eight-hours' system, he gives this 4½ in the five days?—Saturday cannot be interfered with in any case.

538. On the nine-hours' system?—He would work on Monday, Tuesday, Wednesday, Thursday, and half of Friday.

539. You consider the difference between these systems to be very material?—Yes.

540. Are you aware which of the two is in operation in Jamaica at the present moment?—I cannot say.

541. Of course the importance of it will depend principally on the distance of the provision-grounds and of the markets from the estates?—It must depend materially on that; but in no instance will the ground be so near the huts as to give any advantage to the negro from half an hour's time, because the time he would take in going and returning would be occupied entirely.

542. Supposing a negro works eight hours in the day, will he not be able, if disposed, to give a good deal of labour to his own provision-ground in addition?—The hours of labour are between sunrise and sunset. There is one hour given for breakfast, and two hours for dinner, that is not included in the time of labour; he will labour in the field till sunset.

543. Are you aware whether in the case of eight hours in the field they can employ an extra hour in their provision-grounds?—They never go to their provision-grounds after six at night.

544. The question is, whether the eight hours in the field is so filled up as to leave the negro no time for his provision-ground?—Sometimes the negro will apply to a special magistrate to get him off at four o'clock; if the master wishes to indulge him he will let him off, otherwise he must go on till six.

545. Was it not the case during your experience that they were off by four o'clock?—No, they were detained till sunset.

546. If they had been off the ground by four they would generally be able to employ themselves on their provision-grounds?—Yes, though they would be much fatigued after the day's labour.

547. There would be a difficulty in continuing labour in that climate for as long a time after sunset as in this, on account of the shortness of the twilight?—Yes.

548. Can you state to the Committee the average distance of the negro-grounds from the estate, or does it vary so much that there is no rule whatever?—On those points I am not so well competent to speak as a magistrate who had to do with prædial labourers; I had to do with non-prædial labourers.

549. In what district were you a special magistrate?—In Kingston, after the 1st of August; previous to that time I was in the parish of St. Andrew's as a general magistrate.

550. In point of fact, all the circumstances relating to the prædial labour are not the results of your experience, but of others assembled at your house?—From my own personal experience generally, and I was in the habit weekly of going for one

R. R. Madden, M.D.
26 April 1836.

or two days to St. Andrew's and Fort Royal. I have been at St. Thomas's in the East, and St. David's during the apprenticeship.

551. They are not in the sphere of your official duty?—Not as a magistrate in the places I went to, I was there merely as an observer.

552. Mr. *Buxton.*] Can you speak positively to the facts you have stated?—Yes.

553. Mr. *W. Gladstone.*] You are not competent to say generally what is the distance of the provision-grounds from the estate?—In the parish of St. Andrew's they did not exceed a mile and a half.

554. Do they come up to that?—They do not exceed that, from a mile to one and a half.

555. You mentioned a case in which the provision-grounds were 25 miles distant from any market, is that case common?—That case I had from Captain Oldrey, that was in St. Elizabeth.

556. Do you think that is a common case?—I should think it is common, for the distance they have to go to the market. I know that from St. George's they come down to Kingston, a distance of 25 miles.

557. Have they no nearer market?—Yes, but it is not so good a market as at Kingston.

558. You say the negroes depend on the driver for ascertaining the time at which their hours of work expire; are they entirely dependant on the driver?—The overseer rides down at shell-blow; if he does not come down, the driver tells from the sun what hour it is.

559. Clocks are uncommon?—I never saw one immediately on the grounds; the clock was generally in the overseer's house.

560. You say the driver judged by the altitude of the sun?—Yes.

561. Have not the negroes the same faculty of judging?—I should say they judged by that.

562. Have not the negroes the means of correcting the driver and judging for themselves?—Yes, I should think so; and I think they are very observant of their rights.

563. Is it a subject of complaint in general between the negroes and the drivers, that they are ever kept beyond their due time of work?—Before the 1st of August it was a frequent cause of complaint.

564. Since the 1st of August has there been any?—None within my experience.

565. A case was put to you, in which it was supposed that 15 hours of extra labour during the week was to be scattered in half hours over the apprentice's time; though such a case might occur, is such a case likely to occur, or is it practicable?—I do not think a special magistrate ought to sanction it.

566. Mr. *Buxton.*] Have you known instances in which in point of fact it has been scattered in different periods of the week, though not in such small portions of time?—Yes, I have known it distributed over the week.

567. Can you state a case of that kind?—No, I cannot; I do not remember any.

568. Mr. *W. Gladstone.*] In the case where the provision-ground was 10 or 12 miles from the estate, were there any peculiar circumstances which could be supposed to account for that arrangement?—Yes; the master had bought the estate latterly, and he wanted to transfer the negroes from one property to another.

569. Was it by way of making the estate disagreeable, or in order that they might become reconciled to the transition?—I do not think it was in that case to annoy the negroes, though there was a great deal of hardship and cruelty exercised towards them, which induced them to apply to the governor.

570. They were almost in a state of rebellion?—Yes.

571. To what date do you wish that observation to apply?—What I mean by "rebellion" is, they were in a state of confusion.

572. To what time do you wish that observation to apply?—I do not remember the date of it.

573. Was it during the apprenticeship, or under slavery?—I am not quite certain if it was not just previous to August or not.

574. Are you aware if any redress was afforded in the case?—I think no efficient redress.

575. Was any complaint made by the negroes to any magistrate?—Their complaints were made to me.

576. Had you no means, or did you not conceive yourself to have means under the Abolition Act, of giving them redress?—That makes me remember it was

just

just previous to August, when I had not the means except by bringing the case before the governor.

577. The *Chairman.*] If special circumstances had occurred, and special complaints had been made subsequent to the Abolition Act, would not the special magistrates have the means of doing justice?—It would depend on the character of the special magistrate. A special magistrate who is interested for the negro would have insisted on the time being allowed for the negro's going to the plantation at the rate of two or three miles an hour.

578. Mr. *W. Gladstone.*] Would he be allowed that time out of the master's hours?—Yes, I have allowed it myself; but I expect many special magistrates might not.

579. You, judging from your experience and practice, think that the obscurity of that law is one great cause of complaint?—I think it is a very great cause of complaint.

580. As you suppose that the complaint on the score of the distance of these provision-grounds was before the 1st of August, are you aware if anything was done on it subsequently to that date, or does it continue to this day?—I think by this time it must be redressed, for they were building huts for the negroes.

581. Before you left the island were they building huts?—Yes.

582. Was that in consequence of a representation of the governor, or from the instruction of the special magistrate?—I think it was in consequence of the strong representations I made to the governor.

583. But the evil was in the course of redress before you left the island?—Yes, on this property.

584. You have spoken of the willingness of the negroes to work on the Sabbath; you did not give a direct answer to the question which was put to you, whether in any case when labour was exacted from them in order to provide for their own subsistence they would work on the Sabbath?—If they do not get half the Friday the only time they have is on the Sabbath.

585. Therefore it is not a necessary consequence, but only a general concomitant?—Consequent upon their being kept in the field till sunset.

586. Do the Committee understand you to say that the practice had been discontinued of the old women being nurses?—I have heard the attornies tell the negroes that they would not be allowed any more nurses in the field to take care of their children, and water-carriers.

587. To what purposes have the services of these old women been applied?—I cannot say.

588. Are you aware they were no longer employed as nurses when you were in the island?—When I was in the island, on many properties they were discontinued.

589. Can you suggest to the Committee any motive that the proprietor or manager could have for discontinuing them, or any means by which he could make the services of such persons so employed more available to himself?—The great motive in it was to get an additional quantity of time from the negro.

590. In that case you would not represent it as an object desirable in itself to remove these old women employed as nurses, but as a means and instrument in their hands to enforce the performance of the task by the negroes?—I think they were most essential in the field to the comfort of the negro.

591. Do the Committee understand you to ascribe to the managers or proprietors the desire of increasing the accommodation they afford to the negro, as a means of inducing the negro to perform his task faithfully?—I think it was a means to exact more time from the negro.

592. You ascribe to the managers of estates generally, in Jamaica, the disposition to exact time beyond that which the Act allows?—When I speak of proprietors and attornies, I would wish to make a broad distinction.

593. Those actually in the management of properties have a disposition to exact more time than the law allows?—I think so.

594. You thought the eight-hours' system was adopted, not on account of any advantages to the estate above what the nine-hours' system would afford?—I think much greater advantage will be got from the content of the negro.

595. Does it appear that, supposing you make no allowance for it, in point of physical labour, the eight-hours' system would give any greater advantage to the estate than the nine-hours' system?—That I cannot say from my own experience.

R. R. Madden, M.D. 26 April 1836.

596. You said you thought the eight-hours' system was adopted in order to render the Act incapable of working?—It is, perhaps, a strong phrase to use, "incapable of working;" but I think it was adopted, in many instances, from vexatious motives.

597. Do you think the vexatious motives were so far deliberate as to be characterised by the phraseology you used, namely, "a desire to render the Act incapable of working"?—I would rather say it was adopted for the sake of a vexatious opposition to the apprenticeship system.

598. Are you disposed to ascribe it more to momentary irritation than to a premeditated determination?—I should rather say momentary irritation.

599. Mr. *Buxton.*] Do the Committee understand you correctly, that notwithstanding the estate would be benefited, and notwithstanding the comfort of the negro would be promoted by the nine-hours' system in preference to the eight, yet according to your experience the eight-hours' system was adopted for the purpose of extorting from the negro a portion of that time which the Imperial Law had assigned to him?—My own opinion is, it was adopted for the sake of getting the negro's own time on the easiest terms to the owner.

600. In point of fact, were the negro females under the necessity of carrying their own children in the field?—That I never saw, but I heard from special magistrates that they were; but that I have not seen.

601. Mr. *W. Gladstone.*] Was that from not having nurses at home?—They were obliged to carry them to the field, and lay them down by the side of the place where they worked.

602. Not that they were obliged to carry them on their backs while at work?—I never saw that.

603. You have seen them carrying them to the field and lay them down?—Yes.

604. Mr. *Buxton.*] Have you heard of them being strapped to their backs?—No; I have heard of them being brought to the field, and laid down beside the trenches where they were digging; and I have heard the women complained loudly that their children were in danger of being eaten by the dogs.

Veneris, 29° die Aprilis, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. O'Connell.
Mr. Buxton.	Mr. Thornely.
Sir George Grey.	Lord Viscount Sandon.
Mr. William Gladstone.	Mr. Charles Lushington.

MR. LABOUCHERE, IN THE CHAIR.

Richard Robert Madden, M.D., called in; and further Examined.

605. Mr. *Buxton.*] WHO are the persons who are usually selected as hot-house doctors?—They are generally infirm negroes, generally selected for being persons incapable of working in the field, and being thought superior in intelligence to the generality of negroes.

606. How are they usually paid for their services?—I believe they are not paid anything more than by some additional allowances, and that they are not expected to work in the field.

607. Who appoints them, and on whom do they depend for their situations?—I think they are wholly dependent on the attornies and overseers.

608. Can they be removed at the pleasure of the overseer?—Certainly.

609. Or at the pleasure of the attorney?—Undoubtedly; when I say at the pleasure of either, I mean to say that if any complaint against the hot-house doctor were made to the attorney by the overseer, he would be dismissed.

610. Who compounds and administers the medicines to the sick negroes?—Generally the hot-house doctor.

611. Is there any other medical attendance?—On every estate there is a medical man appointed, who receives generally about a dollar a head a year for his attendance.

612. Can he satisfactorily perform his duties to the negroes?—I think not.

613. Why so?—I do not think one medical man would be sufficient to attend on an estate that has perhaps 300 negroes; and perhaps that medical man may have the

the charge of a dozen properties with that number of negroes on each estate; if he was even so inclined he could not give sufficient attendance.

614. If he devoted his whole time to the number of negroes he had to attend, he would be incapable of giving them the attention they required?—I think so.

615. What is the nature of the discipline and punishment in use at the hot-houses?—Previous to August 1834, there was generally the stocks in the hot-houses; since August they have not been allowed to confine them in the stocks. I have seen sick people who had been refractory confined in the stocks before August 1834, subsequently to that time I do not think that would be allowed; I think the master would be punished if he did it.

616. You do not think there is any peculiar punishment in the hot-houses?—I think there is a great hardship in being sent to the hot-houses at all; the negroes live there on certainly very insufficient diet, what Mr. Abernethy would call a very low diet; so that a negro would bear almost any endurable amount of sickness sooner than go into the hot-house.

617. How are the negroes supplied with food, nurses and other particulars they may require in the hot-house?—They are shut up in the hot-house; they are locked up usually at night; the food is generally plantains or corn flour, a very low diet.

618. Are nurses appointed to attend them?—There is generally some old person; the hot-house doctor also is an attendant.

619. Sir *George Grey.*] Do they perform any work while they are there?—No.

620. Mr. *Buxton.*] Have you known apprentices really sick who have preferred continuing at their work rather than receive relief from the hot-house?—Yes; I have known cases where a negro has come to me complaining of sickness, and when I have desired him to go to the hot-house, he has said he would do anything rather than go to the hot-house.

621. Sir *George Grey.*] Has that been since the apprenticeship?—Yes; the only difference in their treatment there I know of, is in the bilboes, the stocks being removed from the hot-house.

622. Lord Viscount *Sandon.*] In regard to nourishment in the hot-house, the system is exactly the same?—I think it is exactly the same.

623. Sir *George Grey.*] Is the treatment of sick negroes the same in the town parishes and in the country?—No; there is no hot-house in the towns.

624. You were a superintendent of a town district?—Yes; I am speaking more from my observations as a casual observer, rather than in the exercise of my official duty.

625. You state that the negroes have come to you, being really ill, and have declined going to the hot-house; do you mean that that has occurred in a considerable district?—Previous to August in a considerable district, but since that period on a few properties that had prædial labourers which were within my special jurisdiction.

626. What was the mode of treatment of sick negroes in town districts?—They had a right, by the old slave law, to medical attendance; the master was obliged to supply them with it.

627. What is the system now?—It is the same.

628. What was the practice during the period you were a special magistrate?—The non-prædials are entitled to medical attendance from their master, as they were entitled to it by the old slave law.

629. Mr. *Buxton.*] Do you think adequate provision is made for medicine and medical attendance of the sick negroes?—Most certainly not, either for the prædials or the non-prædials.

630. Sir *George Grey.*] As compared with what they had before the apprenticeship was introduced?—I do not think they are in a worse condition than they were before.

631. Mr. *Buxton.*] Do you think they are in a better state except with respect to the bilboes?—I do not think they are at all better off there, because for their attendance medical men now get a smaller sum; it is something less than a dollar, generally speaking, now I believe.

632. *Chairman.*] Do you mean to say the pay has been diminished since the apprenticeship system has been substituted for that of slavery?—It was formerly a dollar a-head, and it is now reduced to less than a dollar.

633. Lord Viscount *Sandon.*] Under the practice, or any law?—I believe there is no law to regulate that.

634. Mr. *Buxton.*] Your evidence as to treatment is substantially this: that the

R. R. Madden, M.D. 29 April 1836.

the condition of the sick negroes is improved so far as the removal of the bilboes, but is worse so far as the reduction of the doctor goes, but that, upon the whole, there is not adequate provision made for medicine and medical attendance?—I do not think in the way the doctors visit the estates they can give sufficient medical attendance to the sick.

635. *Chairman.*] Do you think the reduction of pay of the doctor has led to any material difference in that respect?—I do not think it has.

636. Mr. *Buxton.*] Have any negroes applied to you to be permitted to purchase the residue of their term?—A great number.

637. What number?—The applications in Kingston were innumerable.

638. Sir *George Grey.*] You mean during the three months you were a special magistrate?—Yes; I suppose there were more applications in Kingston than in all the other parishes besides; the number that obtained their freedom before me, I think, was 85 during the three months.

639. What proportion did that bear to the number of applications?—I should suppose there was not a day there were not from three to four applications for freedom.

640. What was the course that was taken when an application was made?—The negro came to the special magistrate and demanded to purchase the unexpired term of his apprenticeship; the special magistrate then applied to the agent to appoint a local magistrate to act with him, and in doing that, I believe, the special magistrate acted illegally; the agent appoints a local magistrate, then the special magistrate and the local magistrate meet, and they appoint another local magistrate; there is a fortnight then allowed to them to assemble; they assemble at the special magistrate's court, and proceed to the valuation of the negro; it is very evident that the course is unfavourable to the negro, for there are two local magistrates and one special.

641. Lord *Sandon.*] The choice of the second magistrate is made conjointly by the first local magistrate and the special?—Yes.

642. *Chairman.*] Why do you say that this course is illegal?—It will be found, by the 9th clause of the Colonial Act, "that when any apprentice under this Act shall be able and willing to purchase his or her discharge, and the party entitled to the services of such apprentice shall refuse or be unwilling to sell such discharge, such apprentice shall be at liberty to apply to the nearest magistrate appointed by special commission, who shall thereupon give notice to the person entitled to the service of such apprentice, or to his or their representative or agent, and such last-mentioned person shall thereupon appoint a justice of the peace of the parish in which the apprentice shall reside." It is evident from this clause that it is only where the manager refuses or is unwilling to sell the apprentice, the party has a right of calling for the appointment of a local magistrate: it says here "when the party entitled to the services of such apprentice shall refuse or be unwilling to sell such discharge." It is only in that case that the apprentice is at liberty to apply to the nearest magistrate to be appointed; by that clause, it appears to me, it is merely on the refusal of the master the apprentice has a right to apply to the magistrate.

643. Sir *George Grey.*] Do you mean that there were cases of applications made to you in which the master had not refused or been unwilling?—I never knew a case in which the special magistrate did not at once call on the agent to act.

644. On this application how did the special magistrate proceed?—On the application of the apprentice he went immediately to the agent.

645. You conceive that he exceeded his power, for that he ought first to have ascertained that the master had refused or was unwilling to sell?—I think so under the literal construction of this clause.

646. Mr. *Gladstone.*] Do you conceive, supposing the apprentice to apply to his master for his discharge, and the master to be willing to give the discharge, but to ask an exorbitant price, the apprentice was then at liberty, under the 9th clause, to apply to the special magistrate?—I think he was.

647. If he showed an unwillingness to sell the discharge?—Yes.

648. Mr. *Buxton.*] Have you found that any apprentices that so applied have been illegally detained in slavery?—A great many.

649. What became of the negroes upon your ascertaining the fact that they were illegally detained in slavery?—Generally speaking, when I could not succeed in procuring their freedom myself, I referred them to the attorney-general; he

used

used to institute some proceedings; but in a great many instances those persons did not obtain their freedom.

650. Sir *George Grey.*] On what grounds do you conceive they were entitled to their freedom?—There were a great number of Indians which had been imported from the Mosquito Shore; the descendants of those persons were declared free by law; there were a great number in Kingston that I was well assured were illegally held in slavery.

651. Do you mean that applications were made to you by those persons to purchase their freedom, and that the evidence in the individual case satisfied you they were entitled to their freedom?—Those were not cases of applications to purchase their freedom, but to procure their freedom on grounds of being entitled to it.

652. Did you go into evidence on those cases?—I did invariably.

653. On satisfying yourself that the party was illegally detained in apprenticeship, did you feel yourself justified in administering the law as between master and apprentice?—I did not, and I incurred a vast deal of odium on that account. When an apprentice came to me, claiming his freedom on the ground of being held illegally in slavery, the master generally employed a lawyer to come before me; the lawyer used to contend that I had no right to establish the claim of the apprentice by any defect in his title, but that I was to establish his claim by the goodness of the negro's title, and I believe that was the opinion of the Crown lawyers.

654. Lord *Sandon.*] That the presumption was in favour of slavery?—Yes, under such circumstances.

655. Sir *George Grey.*] In those cases in which you came to a conclusion in favour of the slave, what course did you take?—I thought that the spirit of the Act empowered me to refuse to give their services to their masters till they had satisfactorily established their title. The Act says, that the special magistrate shall act between slave and master, and I had a right, I thought, to be satisfied I did not exceed my jurisdiction.

656. In those cases in which an individual was considered by the magistrate not to be an apprentice, was he from that time released from active labour to his master?—Many since I left the island, whose cases had been before me, but not decided, I understand have become apprentices, having been claimed over again.

657. In cases brought before you, and adjudicated upon by you, was the immediate practical effect to release the party from active servitude?—They could not punish them for not labouring, except through me, and I would not punish them while I had a doubt.

658. *Chairman.*] So that, in fact, the result was, they became practically free on your deciding that they ought to be so?—They became practically free so far as abstinence from labour, but then they might be brought up before me every day for a re-hearing, and that was constantly done; there would be warrants constantly out against them; they could not be said to enjoy a state of freedom.

659. Sir *George Grey.*] In cases in which, on the evidence, you entertained too much doubt to come to a decision yourself, what course did you adopt?—When I had great doubts I generally referred them to the attorney-general.

660. Do you know what proceedings were taken in any such cases?—The proceeding I generally understood the attorney-general would adopt was that of the writ of *homine replegiando*, but I do not know in any instance whether that writ was sued out.

661. Can you state a specific instance, or have you reason to believe there was any instance in which it was sued out?—I do not know any one instance.

662. Mr. *Gladstone.*] Would not the limited period during which you remained in Jamaica sufficiently account for that circumstance?—Certainly.

663. Sir *George Grey.*] Do you mean to say that such a writ was refused to be sued out in your time?—No, I do not know a single instance on the part of the attorney-general in which there was a refusal.

664. Mr. *Gladstone.*] As to the final issue, was it likely to take place after you left Jamaica, and therefore not to fall within your cognizance?—Yes, it very probably might.

665. Sir *George Grey.*] In the meantime did the apprentice remain subject to coercive labour?—Since I left the island I have seen a reward for an absconded female apprentice who had been repeatedly brought up to me, and I refused to award her services as belonging to a Mr. Fisher. I have recently seen her advertised with a reward, as a runaway.

R. R. Madden, M.D.

29 April 1836.

666. In the instances in which you had no doubt the party was not an apprentice, you so decided; but when you referred it to the attorney-general, did you exact, or refuse to exact, the labour in the meantime?—I generally gave those persons a paper, commonly called a pass, declaring that such a process on the negro's application for freedom was pending, and that they should be let go back to Spanish Town, or between Spanish Town and Kingston, to make out their claim, but that pass, in many instances, was held not to be legally binding on the master.

667. In the case of an apprentice so circumstanced brought up to you on the complaint of the master for not performing the labour to which other apprentices were subject, did you free the individuals from labour or require the labour?—I felt myself obliged, by the spirit of the Act, not to require labour from them.

668. Mr. *Buxton.*] You have stated, that in cases where the negro conceived himself entitled to his freedom, the master attended and brought his lawyer with him; was there a lawyer also on the part of the negro?—No; but I must do this justice to the solicitors at Kingston: I never applied to them to come forward on behalf of a negro for whom I wanted their legal assistance that they did not do so, so that the negroes never could be said in any court to be without legal defence when it was essential to them.

669. Mr. *Gladstone.*] Do you believe these cases were common all over Jamaica, or that they prevailed particularly in Kingston?—They prevailed particularly in Kingston.

670. Do you believe they were common elsewhere?—I believe they were not.

671. Mr. *Buxton.*] Do you believe, independently of those who came under your cognizance, there are a number of other apprentices in Jamaica under the same circumstances?—There were, when I was there, a vast number of apprentices not duly registered.

672. Sir *George Grey.*] In what respect were they not duly registered?—I take it, the words "duly registered," in the Act, mean, formally registered at a certain period; but if you go beyond that, and inquire into the previous registrations, you would find very many who were not duly registered.

673. Do you know a class of cases in which persons were held in apprenticeship when you were in Jamaica, who had been duly registered at a former period, but omitted in subsequent registrations?—I do not.

674. You are not aware of that question having been referred to Lord Sligo?—I heard of its being referred, but I do not know the decision.

675. You do not know whether those parties have been all liberated or not?—No.

676. Mr. *Buxton.*] Can the question, whether the negro is duly registered or not, be forced upon the attention of any court competent to release him?—The courts of law are open to him as they are to all men; but the question is, whether he has the means of going into them.

677–8. Sir *George Grey.*] Suppose the case of an apprentice arising before a special magistrate, in answer to a complaint that he was not an apprentice because not duly registered, would the special magistrate be bound to satisfy himself that the apprentice was duly registered, and therefore an apprentice?—I think he would; but were he strongly opposed I think he would not have the means, without entailing vast trouble and expense upon himself, of going into a court of law with the negro; there is no legal protector for the negro now.

679. Would he have the means of ascertaining the fact of a due register?—I should think he could do that easily.

680. Would he not have the power, then, of abstaining from exacting coercive labour?—Yes; in such a case he would ascertain the fact at once; he would not have to refer the case to the attorney-general.

681. You say he would be bound to abstain from exacting coercive labour in case of his being satisfied he was not properly registered; if the attorney-general was to institute proceedings, and those proceedings tended to the same result, would it then be in the power of the master to repeat the application to the special magistrate, and to call upon him to hear that case?—No; the attorney-general would have the power to protect the negro during the action.

682. And after the action was brought to a successful issue?—Yes.

683. Lord *Sandon.*] But, till the case had been brought to a judicial hearing, the master might bring up the negro for a re-hearing any number of times?—Yes;

Yes; so long as it was before the special justice, if he denied the power of the special justice to inquire into such questions of title.

684. Mr. *Gladstone.*] Do you believe a large number of apprentices were detained without being duly registered?—I think there were a great number in Kingston particularly, belonging to the brown people.

685. To what do you ascribe that?—To ignorance of the law.

686. Do you ascribe it to the desire of the master to avoid registering them?—I think it was generally an ignorance of the law on the part of the brown people.

687. They have no title to their services without their being registered?—No; even in the cases where I was told they would be allowed compensation, I told them they were not entitled to their services.

688. Sir *George Grey.*] You conceive the question of the compensation and the right of the master to their services to be distinct?—Yes.

689. Lord *Sandon.*] Are the negroes in general aware whether they are registered or not?—They generally know whether or not they are actually registered; there is always some negro lawyer who will put them up to that.

690. Sir *George Grey.*] Do you know an instance in which, after the right was determined by a competent tribunal, they were detained in their apprenticeship?—No, I do not.

691. Was not the immediate effect their liberation?—Yes.

692. Mr. *Buxton.*] You stated that there were considerable difficulties in the way of the negro establishing his right of freedom?—Yes; in the first place, if he had witnesses to produce they might be scattered over the island, they might be negroes on different estates, and he would find a great difficulty in bringing them up, and there would be difficulty in their going into a court of law unless the attorney-general were to undertake his case.

693. In case of conflicting claims for compensation, is it not the interest of both the contracting parties to admit the accuracy of the registration?—Most decidedly, for they would not get compensation unless they were duly registered.

694. Are you sufficiently acquainted with the practice of the commissioners of compensation either at home or abroad, to say whether, at home or abroad, they will inquire into the fact of registration, if neither the claimant nor the counter claimant raises the question?—I am not sufficiently acquainted with their practice to answer that.

695. Mr. *Buxton.*] May the register appear perfectly accurate, and yet be founded on erroneous or fraudulent returns?—That would be taking the consideration of that question beyond the point you are empowered to do by law, for the Act says, if they are found to be duly registered as slaves "on or before the 1st of August 1834," they shall become apprentices, and the last registration I suppose would be the one looked to.

696. Sir *George Grey.*] Is not that a legal question, whether they are duly registered?—Yes, I understand it to mean if they are formally registered.

697. Mr. *Buxton.*] Did it come to your knowledge that any who had been slaves had slaves of their own?—I knew of slaves to possess slaves in St. Thomas in the East, belonging to Mr. M'Cornac.

698. Could they have been legally held in slavery as the property of slaves?—That is a question I am not competent to answer.

699. You cannot answer whether they could have been duly registered?—That would be a question of law as to the kind of property they were entitled to hold.

700. Do you know practically whether that point was decided?—I do not know any case of the kind.

701. Mr. *Gladstone.*] You have stated that there were very numerous applications to you by apprentices to procure their discharge, and there were about 85 discharged under your auspices?—The total number, I see by this memorandum, is 80.

702. Can you give an idea of the number who applied to you, and who failed in obtaining their discharge?—I can only say a considerably greater number than those who obtained their freedom.

703. To what cause do you ascribe that failure?—Many of them not having sufficient means, when the magistrate came to inquire into the case, to meet the award that was likely to be made; but in many cases, when they heard of the magistrates associated with the special magistrate, fearing the amount would be much greater than they could pay.

704. You think that they desisted from urging their application in consequence of that apprehension?—Very often.

705. Did you yourself practically feel that the mode of providing for the discharge enacted in the Jamaica Act operated unfavourably for the negro?—I thought it did.

706. You think that where those proceedings were resorted to they prevented the apprentices being discharged on fair terms?—I can only say, my apprehension of the value of the unexpired term of apprenticeship was very different from that of the local magistrates.

707. Mr. *O'Connell.*] By apprehension, you mean your estimate?—Yes.

708. Mr. *Gladstone.*] By what rule did you estimate the term of apprenticeship, and of what class were they?—The class I had to do with were the non-prædials, or apprentices for the term of four years, and these I generally estimated at about 25 *l.* currency.

709. That was your estimate of the services of a domestic negro for the term of apprenticeship of four years?—That was, generally speaking, the average.

710. Upon what principle did you arrive at that estimate?—The term first of all was for four years; I think Mr. Bryan Edwards laid it down in his book, that the services of the negro were worth about 10 *l.* a year to his master in the best times of Jamaica; but there are various deductions to be made for medical attendance, lodging, food, clothing, and interest of the money for the four years, and the risk of life during that interval. The particulars of the various deductions are specified in my work.

711. Then you conceive that the residue of the 10 *l.*, multiplied by four, after the deductions on those different accounts, amounted to about 25 *l.* currency?—Yes, that is my opinion; I think the value of the service was less than in the time of Edwards, when it was 10 *l.*; the non-prædial work less than one of the prædial labourers by two years' purchase.

712. Is the estimate Mr. Bryan Edwards lays down 10 *l.* currency or sterling?—I think currency.

713. You say you conceive the value of a domestic was less than that of a prædial labourer; are you aware of any cases in which, under the system of slavery, they had been sold under their relative values, and bought in the market?—I saw a number of negroes sold during the previous eight or nine months I was in the island; the average prices were from 25 *l.* to 30 *l.* in Kingston.

714. Twenty-five to 30 *l.* currency?—Yes; those were generally negroes taken in execution for debt, or negroes taken from workhouses, but that was the average.

715. Were not negroes taken in execution generally sold lower than others?—That might be when there was an agreement made between the persons who attended the sale and the master.

716. Were not they generally sold lower, in point of fact, than others?—I know that the last slave I saw put up to sale was sold for 5*l.* 6*s.* 8*d.*

717. When you say they sold at an average of 25 *l.*, do you mean aged men, women, and children, or able-bodied field labourers?—I mean adult labourers.

718. Did you observe a distinction made between field labourers and others?—I never noticed any distinction in the value between them; I cannot say that there was a distinction made.

719. Do you think their value was about equal?—I think there was no great difference.

720. Mr. *O'Connell.*] By value you mean price?—Yes.

721. Mr. *Lushington.*] In the case of the man sold for 5*l.* 6*s.* 8*d.*, was he an infirm man?—It was an able-bodied young woman; the very last day that a slave could be sold at all; she was the last slave sold, perhaps, in Jamaica.

722. Are you aware of any cases under the apprenticeship in which the services of apprentices were transferred by sale?—A great number of those cases I know. Dr. Spalding bought properties, just previous to August, at merely the expected amount of the compensation.

723. Do you conceive those sales were a fair criterion of the value of the services in question, or were they not rather effected under the influence of exaggerated and unreasonable apprehensions of a transitory nature?—I think many persons who bought them then were speculating on the fears of the proprietors.

724. Consequently they would form no criterion of their value?—No; but the average price of slaves I saw sold was from 25 *l.* to 30 *l.*

725. Referring as well to the three months of the apprenticeship as to the previous time?—Yes, to the whole time.

726. Are you aware the sum you have mentioned is very much below the average given by the commissioners of compensation?—I believe it is somewhat less.

727. Are you aware that it is greatly less?—No, I am not.

728. The question refers to transfers in the market?—There they have sold at from 25 *l.* to 30 *l.* currency just previous to the termination of slavery.

729. Sir *George Grey.*] Was there any uniform course pursued by the special magistrates in respect of appraisement?—There was not during the three months I was on the island.

730. Have you known any instances where the appraisement was completed, and that the money was not paid, in consequence of its being beyond the means of the negro to pay it?—I generally made it a practice, in my court, to make an inquiry of the negro whether he had the sum he would be likely to be required to pay; and if he had not I would not go into the case.

731. Mr. *Gladstone.*] Do you think that, if you had acted alone, and had alone to determine the appraisement of the negroes, many more would have been manumitted by you during the time you were a special magistrate?—I think many more.

732. Sir *George Grey.*] You think an obstacle was raised to the fair appraisement by the junction of local magistrates with you?—The local magistrates would often value the same negro at, perhaps, 60 *l.* or more, that I valued at 25 *l.*

733. Lord *Sandon.*] In those cases in which another valuation took place, what was the sum to which the three arbitrators agreed?—The sums are here in my statement.

734. What were the sums at which they were actually assessed?—The average about 25 *l.*, I think.

735. What was the highest?—I have allowed as much as 80 *l.* for one man, a coppersmith.

736. Mr. *Buxton.*] Do you believe that the price was higher than you would have estimated, where the local magistrate was united with you?—Yes.

737. Lord *Sandon.*] There appeared to be 80 of those on which you agreed?—In some cases we could not agree, and the negro did not get his freedom.

738. Sir *George Grey.*] You say, in some instances you could not agree; was the opinion prevalent in Jamaica that all the three magistrates must concur, or that the appraisement was to be fixed by the majority?—That was what I considered the great defect in the Act, that there was nothing specified in the law on that subject.

739. Was the construction you put upon the Act, and on which you acted, that all three must concur, or that the majority must decide?—Many of the special justices, I believe, thought that the majority should decide; I did not think so.

740. In those cases in which you dissented from the other two magistrates, the appraisement remained incomplete?—Yes.

741. Mr. *Buxton.*] The result was that the negro was not manumitted in such cases, or if manumitted, it was at a price higher than you considered right?—No, I will not say that he was manumitted at a higher price, for I generally stuck out for the sum I have mentioned; but I have cases here before me of men having been valued by us at 60 *l.* and 80 *l.*, but those were coppersmiths and tradesmen, of great value to their employers.

742. Have you known any instances of apprentices being accused of shamming sick when, in point of fact, they have been really unwell?—That is the source of the greatest hardship and cruelty to the negro I have known in the colony; in the way of cruelty, or what is generally considered such, very few cases came before me, where negroes had been punished with great cruelty; but a great many cases came before me, of people being charged as shammers, when in my judgment, as a medical man, they were really ill.

743. Sir *George Grey.*] A good many complaints came before you of that nature?—Yes, very many.

744. What course did you pursue?—There were, no doubt, some cases of shamming, but in many it was not so; I found a woman, in one case, accused of shamming, that was labouring under one of the most severe diseases that a woman can suffer under.

745. That woman was accused of shamming sick?—She was brought before me

R. R. Madden, M.D. 29 April 1836.

for shamming; she was a sullen, sulky person; she would not tell me what was the matter with her; I found she had a protrusion of the uterus.

746. You satisfied yourself there was a substantial disease, which ought to have exempted her from labour?—Yes.

747. What was the result?—The overseer took her back, saying, that if he had known what had happened he would not have had her punished, and she was to work about the premises, to sweep the yard, or some such light employment.

748. Was she capable of doing that work?—Barely capable of doing it.

749. Did she get substantial redress by her application to you as a magistrate?—At that time she did.

750. Mr. *Buxton.*] You were able to afford her relief because, as a medical man, you ascertained she was labouring under that complaint?—Yes; if I were not a medical man I should not have known it.

751. Lord *Sandon.*] If you had not been a medical man, as a special magistrate, in such a case, should you have called in the attendance of a medical man?—I do not think, in that instance, I should, for the woman appeared a sullen, sulky person.

752. Mr. *Gladstone.*] Except for that circumstance, would not any special magistrate, in such circumstances, naturally resort to the opinion of a medical man?—In that case he must do it at his own expense; the law does not allow any payment for the medical man.

753. How do you conceive they do generally adjudicate in such cases?—That must depend on the individual character of the special magistrate.

754. Sir *George Grey.*] Do not you conceive the efficient conduct of justice must depend on the efficient character of the special magistrate in a great measure?—I think it must in a great measure.

755. Mr. *Gladstone.*] Was not such a class of cases common, as complaints against negroes, as feigning to be ill?—It is a constant cause of complaint.

756. Did you never hear the question mooted among the special magistrates whom you met with and conversed with how that ought to be dealt with?—I think they would deal with it effectively; if they had any suspicion that the patient was labouring under a severe illness, they would request the attendance of a medical man, but I think not generally.

757. Would they require the proprietor to bring a certificate of the medical man before they enforced the labour?—I do not think in many instances that ought to satisfy the magistrate, if the medical man of the estate only gave such certificate.

758. Would they require that to be done?—Yes, they do frequently bring a certificate from the medical man. In the particular case I allude to the woman had been examined by the medical man of the estate.

759. Had the medical man declared the woman to be in a state fit for labour?—Yes; but he had not found out the complaint.

760. You attribute that to a defect of skill on his part?—No; to his not being able to pay sufficient attention to all the sick negroes on the estate, he had so much to do.

761. Lord *Sandon.*] This resolves itself into your former complaint of their having too much to do?—Yes.

762. If there were sufficient medical attendance, perhaps no better evidence could be afforded to the special magistrate than the medical man on the estate?—I would rather have that of a man not connected with the estate.

763. Would not that be somewhat difficult in a rural part of the island?—It would be sometimes.

764. Mr. *Gladstone.*] Are you prepared to say from your knowledge and experience, that, generally speaking, medical men have more to do than they can manage, or do you make that matter of inference from knowing they have a great number under them?—It resolves itself into this, I think they are insufficiently paid.

765. Have you ever compared the payment to medical men in Jamaica with the common practice of retaining a doctor to take care of and attend the poor of a parish in England?—No.

766. Are you aware of the amount of the invoice of medicines generally sent out from England to every estate in the island relatively to the number upon it?—I suppose where there are 300 negroes it may be from 20*l.* to 30*l.* a year.

767. Mr.

767. Mr. *O'Connell.*] You have spoken of the apprehension of injustice to the negro from the prejudices and interests of magistrates connected with the colony; are not the stipendiary magistrates liable to be influenced in that way?—It depends a great deal upon their intimacy with the proprietors whether they may be so influenced or not.

768. They cannot be intimate with the negroes?—No, they only come before them either as complainants or defendants.

769. The influence of society must be altogether tending towards the favour of the proprietors?—Most decidedly so, where the special magistrate is on good terms with the proprietors.

770. You are of opinion that the number of special magistrates is insufficient for the duty?—During my time they were considerably less than they are now.

771. What was the whole number at that time?—Thirty-six, I think.

772. What is the number now?—I believe it is nearly doubled.

773. Do you consider 72 as sufficient, considering the local circumstances and the travelling necessary, to attend to all the reasonable complaints of the negroes?—So far as numbers go now, I think if they had a proper protection from the colonial government they would be sufficient.

774. What protection do you think they want?—I think the two cases which have lately occurred, of Mr. Bourne, who was fined 200*l.*, and of Captain Oldrey, who was fined to the amount, with costs, of about 500*l.*, are clear proofs that the special magistrates are not duly protected in the exercise of their duties.

775. Sir *George Grey.*] Are you acquainted with the particulars of both those cases?—With Captain Oldrey's case I am.

776. Are you not aware that the colonial government gave Captain Oldrey all the protection they could, and that the attorney-general was instructed to defend him?—When I spoke of the colonial government, I was in error, I meant the colonial judicatures.

777. You do not refer to the executive government?—No, certainly not.

778. Are you aware what the government have done to protect Captain Oldrey?—I believe the government did everything they could to protect him, and that is his own opinion.

779. Are you aware that a new trial has been moved for?—I believe that a new trial has been moved for, for Captain Oldrey, but that in consequence of the manner in which the charge was opened, limiting the amount of the fine to something under 300*l.*, the cause could not be brought into the Court of Error.

780. Are you aware of the result of the application for a new trial?—Captain Oldrey told me a new trial had been moved for.

781. The result is not yet known?—No.

782. Are you aware what is the state of things in Mr. Bourne's case?—I cannot say.

783. Both the cases are very recent cases?—Yes.

784. Mr. *O'Connell.*] It is the constitution of the courts you consider so unfavourable to the stipendiary magistrates?—I think it is very unfavourable to them.

785. In the constitution of the courts, do you mean the judges?—I think the judges of the court of assize were highly prejudiced against the special magistrates generally.

786. Sir *George Grey.*]—Do you apply that to the chief justice as well as the other judges?—He does not preside in those courts I allude to; I mean the local judges who assist in them.

787. Do you distinguish, in the opinion you have expressed, between the colonial judges and the chief justice?—Most decidedly I do; I believe the chief justice gives every protection he can.

788. Are you aware whether the chief justice is appointed by this country, and selected from the English or the Irish bar?—I am aware that he is appointed by this country, but that he derives part of his salary from the colonial legislature.

789. Mr. *O'Connell.*] Are you aware of the qualification necessary for the other judges?—There is no legal qualification necessary.

790. You mean no legal education?—Yes.

791. They are planters?—They are.

792. Mr. *Gladstone.*] You say the chief justice is dependent for a part of his salary on the colonial legislature?—When he was sent out, the House of Assembly kept back his salary a year and a half in consequence of his appointment not being satisfactory to the proprietors.

793. Mr. *Buxton.*] Have you read a letter, dated the 30th of August 1834, which appeared in the Kingston Chronicle, in which the writer describes the magistrates as our 30 tyrants, describes the British Government as exercising the omnipotence of an earthly government to plunder and destroy, but says that the Jamaica inhabitants have a remedy for all this in the constitution of their own courts and their own juries?—I have.

794. Mr. *O'Connell.*] Have you a copy of that letter?—Yes.

795. Mr. *Gladstone.*] By whom was it signed?—There is no signature to it.

796. Mr. *O'Connell.*] Do you know by whom it was written?—It is not known with any certainty.

797. To whom is it attributed?—I have heard it attributed to the speaker, Mr. Barrett.

798. Was that alleged in the Kingston newspapers?—It was not.

799. Was it merely alleged by rumour?—It was merely alleged by rumour. I have no certainty of it.

800. Mr. *Buxton.*] Was it matter of notoriety that Mr. Barrett wrote that letter?—I do not think there was any certain knowledge of his having written it; it was the rumour.

801. Have you not in print intimated that Mr. Barrett was the writer of that letter?—I have said it was written by a great speaker as well as writer, or something of that sort.

802. Was the word "speaker" put in Italics so as to intimate that it was Mr. Barrett?—I have not said it was written by Mr. Barrett, and I do not say so now; I cannot say it was written by him.

803. Mr. *O'Connell.*] In what paper was it printed?—In the Kingston Chronicle.

804. Is that a paper of much circulation in the island?—It has a considerable circulation.

805. Is that a paper under the patronage of the colonists, or opposed to their interest?—It is considered the advocate of the colonial interest.

806. The question respects not its views towards the mother-country, but its views as between the planters and the negroes?—It is the advocate of the planters.

807. Is it your opinion that that letter conveys a fair sample, or an exaggeration of the prevalent opinions among the planters and better classes?—I think it is a very fair sample of the general feeling entertained.

808. Sir *George Grey.*] Would not you conceive that letter as showing that it was conceived that the special magistrates would afford protection to the negroes so far as it was in their power?—I think the letter fairly proves that if the great body of the special magistrates were what they are considered to be, they would have been thought much better of by the colonists.

809. Mr. *O'Connell.*] What do you mean by what they are considered to be?—I have heard them accused of being altogether in the planters' interest; when I was there, the great body of them were not so.

810. Would they call them tyrants if they believed them to be so?—I should say they would not be abused if they were not generally supposed to do their duty towards the negro.

811. Lord *Sandon.*] Do you conceive the expressions used by an anonymous writer in a time of very great excitement and apprehension, can be taken as a test of the permanent feeling of the planters?—Up to the time I left the island, the special magistrates never ceased to be vilified by the Jamaica press.

812. Mr. *Gladstone.*] Does not very great intemperance habitually prevail in the press in Jamaica on both sides?—I believe it is the most intemperate press in the world.

813. Mr. *O'Connell.*] Independent of any authority you attach to what is contained in the newspapers, are those sentiments, according to your knowledge, the sentiments entertained by the general class of planters?—I have already stated, I believe, in my first day's evidence, that I conceived there was a prevailing disposition to oppose the apprenticeship system, and that was intended to be effected through the sides of the special magistracy.

814. Lord *Sandon.*] Have you any reason to believe that the state of the colonial feeling in the first three months of the apprenticeship is a fair sample of that which has prevailed since, and is now prevailing?—I should consider, in the ordi-

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nary course of things, the irritation would be the greater at the earlier stages of the measure in question.

815. Your evidence then is not to be taken as conclusive upon the existing state of feeling in the island?—From all I have heard since I left the island, I should infer that the feeling towards the special magistrates is not improved.

816. Mr. *O'Connell.*] What is the ordinary routine of duty of a special magistrate?—The duty of the special magistrate who takes care of the prædial labourers would be to visit every estate having 40 negroes upon it once a fortnight; in a large parish he would have to travel from 30 to 40 miles a day in the exercise of his duties.

817. Do you mean every day?—Every day except Sunday, and one day that he would hold a special court in his own house or the Court House; he would, independently of that, wherever there was any discontent on a property, be liable to be called to it, and be expected to go to it within 24 hours of the time.

818. Sir *George Grey.*] You speak of the duties which would devolve on a special magistrate with the small number which existed; would they not much decrease with the considerable increase which has since taken place?—I am speaking in allusion to the time when I was there.

819. The increase of number would of course decrease the number of miles which were to be travelled each day?—Yes.

820. Mr. *O'Connell.*] Have you stated in your answer the entire duty?—That is the whole routine of their duty.

821. They have to hear the complaints once a fortnight on every estate having 40 negroes upon it; they would have their petty sessions once a week, either at their own house or some public station; and they would have to attend on properties when they were called?—That is the ordinary routine of their duties.

822. Is it your opinion that that gives the apprentices a sufficient opportunity of making their complaints?—In their own days they could go to the nearest special magistrate and make their complaints, if the special magistrate was not on the property, or they might go to whatever station they heard he was at in their neighbourhood on their own days.

823. Is it your opinion, that between the one opportunity and the other, namely, the visit of the magistrate and the employment of the free day, the negro has substantially a fair and reasonable opportunity of making a complaint?—My opinion is that he has ample opportunity; and that there is perhaps too much opportunity both to master and to man for litigation.

824. Is it your opinion that complaints are withheld from the apprehension of not having justice done?—That again depends upon the character of the special magistrate; if he has the character of being a severe special magistrate, the negroes would decline making their complaints to him.

825. *Chairman.*] By severe, you mean if he is supposed to have a feeling against the negro?—If he is what is called a Busha's magistrate.

826. Sir *George Grey.*] Are you aware of any district where there is more than one special magistrate?—In St. Elizabeth's there were two when I was there; but there are many instances of that kind now.

827. Mr. *O'Connell.*] In the district in which you were, were there many local magistrates?—All the members of the corporation belong to the magistracy.

828. Did you attend the quarter sessions in any other parish besides Kingston?—I was appointed to the district of Kingston, and also to take charge, as far as I could, of Port Royal and the lower part of St. Andrew's parish; I found my duties in Kingston infinitely more than I could attend to. I only went occasionally to the other parishes; they were close to Kingston.

829. Sir *George Grey.*] Had any other special magistrates jurisdiction in those parishes?—There were special magistrates in both.

830. Mr. *O'Connell.*] In your parish what was the class of life and occupation of the local magistrates?—Those in Kingston were all store-keepers or merchants, with the exception of some lawyers and doctors.

831. Many were storekeepers?—Almost all, I think.

832. By storekeepers do you mean persons who keep what we call shops on their own account, or for others?—They were chiefly merchants; all the merchants keep stores generally.

833. In a general way did you find the disposition of the negro to be unruly or kindly under good treatment?—I think there is no person in the world more sensible of good treatment than the negro.

R. R. Madden, M.D.

29 April 1836.

834. By sensible, do you mean showing gratitude in his conduct for it?—I think he is eminently grateful for good treatment, and by his nature well disposed to appreciate it.

835. Have you found them inclined to work for wages?—I never knew an instance of their refusing to work for wages where they had not some grievance to complain of. I might state a curious instance of that. There was a committee of the House of Assembly, of which Mr. Berry was chairman, and who was well known to be the promoter of that committee. I was summoned to attend; the wording of the summons runs thus: "By virtue of an order of the House you are hereby requested to attend the committee appointed to inquire into the causes of the general discontent among the apprentices, their reluctance to work as formerly even during the limited time prescribed by law, and the almost universal determination on their parts not to work for wages during their own time."

836. That is their description of the objects of the committee?—Yes; but it is an assumption of the fact, that they would not work for wages. At the very time that committee was going on, I was informed by a member of the House of Assembly, now in England, that in passing Mr. Berry's estate at that very time, he saw the whole of the negroes of Mr. Berry at work during their own time; he was surprised, and inquired the reason of their working; they said they were working for their master, who was good and kind to them, because he paid them good wages.

837. In point of fact, have you known that, when they laboured for wages, they gave reasonable value as labourers for wages?—Yes, I believe they did; I believe they worked better for wages than they worked before.

838. Sir *George Grey.*] Were you examined before that committee?—I was not examined before it, though I was kept some weeks in Spanish Town waiting to be examined.

839. Mr. *Gladstone.*] How many apprentices were there in your district?—The slaves of the parish of Kingston were 5,265, according to the book I have before me; I cannot speak to the accuracy of that.

840. Sir *George Grey.*] Did you decline to be examined before that committee?—I did not. I had publicly stated what the nature of my evidence would be, and I was not called upon to be examined; but I ought to state, that immediately after I waited on Mr. Berry, and told him how long I had been waiting, he said he would turn me over to another committee, which was to inquire into the conduct of the special magistrates. I waited for about a week for that, and finding I was not called, I left.

841. Mr. *Buxton.*] Do you think the reason you were not called before the first committee was, that the nature of the evidence you could give was known?—That is my impression.

842. Sir *George Grey.*] Have you read the evidence before that committee?—Of several persons; not the whole.

843. You are not able to say whether you think the evidence takes a fair view of the subject?—From what I heard of the evidence at the time I would say it does not give a fair estimate of the question.

844. *Chairman.*] You mean that the witnesses were partially selected?—Almost the whole of the witnesses were in favour of the colonial view of the subject.

845. Sir *George Grey.*] You think other evidence might have been acquired?—They might have had a great deal of evidence to rebut that which was given.

846. Mr. *O'Connell.*] You yourself would have rebutted it?—I would, as far as I could do so.

847. Will you state whether the power of removing the apprentices from one estate to another has come within your observation?—Yes, I have been applied to to remove them.

848. Can they be removed without their own consent?—Yes, they can, but not without the consent of two special justices; and the special justices must be assured they are not severing any relations, separating children from their mothers, and so on.

849. Lord *Sandon.*] Did many cases arise under your notice?—Very few cases of that kind came before me; they would be more likely to arise in other districts.

850. Mr. *O'Connell.*] What do you conceive to be the grounds for removal; would the convenience of their master be a ground?—On the properties Dr. Spalding purchased he removed them for his own interest; he thought the slaves would be more beneficial to him on one property than another. I cannot conceive they would be removed merely as a punishment from one property to another.

851. Do you think it would be a great punishment?—It would be one of the greatest punishments that could be inflicted; there is nothing they are so much attached to as the place they have long resided in.

852. Do you understand many families were removed in Dr. Spalding's instance?—They were removed as slaves; I find, by reference to the representation sent to the Governor, I was in error in stating the distance was 15 miles, as it was from 10 to 12.

853. What class of apprentices do you think are liable to most hardships; for example, do you think that the jobbing gangs are subject to more hardships than any other class?—They are.

854. Can you specify what the additional hardships are?—They are subject to be sent from one part of the island to another; on the estates to which they are sent there are generally no huts for them; they frequently erect huts covered with reeds and leaves; they are insufficiently provided with food, in consequence of not being able to cultivate their grounds, and they have not the comfort of a settled home.

855. What is your opinion as to the fitness of the negroes for an immediate emancipation?—I think, from the best consideration I have been able to give the subject, they are quite qualified for their immediate freedom.

856. Have you any apprehension that their immediate freedom would have any tendency to riot or rebellion?—There would be great apprehension of it if some permanent legal measures were not taken for their benefit, and if they were left subject to a vagrancy law, such as was contemplated some time ago; if a permanent law was not made to supply the infirm, and those not able to work, I think rebellion would be the consequence.

857. If there was not some poor-law for the infirm and aged?—Yes; for all those the masters are obliged by law to support at this time, and whom they will no longer be obliged to support after the year 1840.

858. You look upon a poor-law as essentially necessary for the tranquillity of the island?—Yes.

859. As to a vagrancy law, you apprehend it would act with much hardship on them, or they would consider it such a hardship as to endanger a rebellion?—It would be more than harshness; it would be virtually re-enslaving the apprentices.

860. You speak of a law which actually passed the local legislature?—Yes, but which was disallowed at home.

861. *Chairman.*] You are of opinion a very effective police would be necessary?—Yes, I think a much better police than exists now in the island.

862. Your objection is to the nature of the system proposed, but not to the establishment of a system of police?—An efficient police would be a most necessary thing in the event of the abolition of slavery.

863. Mr. *O'Connell.*] What is your opinion of the facility of organising such a system of police; would it be greater or less by the emancipation?—That would depend altogether on the tone of the House of Assembly; it is difficult to answer for that.

864. *Chairman.*] Do you believe it would be possible to establish an effectual system of police without endangering in any degree the complete freedom of the negroes?—I think there might be a very efficient police, without in any way affecting the freedom of the negro.

865. Of what nature would be the system of police you would suppose so desirable?—I would say some modification of the system of police which has been proposed for Ireland, and on a much less expensive scale; the present police is wholly insufficient for the purpose.

866. You think it would not be necessary to place any restraints upon the negroes if they were free?—I would not have the least fear for the conduct of the negroes, provided those measures were carried to which I have adverted.

867. Mr. *Buxton.*] Do you think a vagrancy law, founded on the principles of the law which was passed, would be in fact the re-enslavement of the negro?—That was most decidedly the object and intention of it; it prohibited the negroes of one property from visiting those on another; and it is generally known that the wives and families of those persons are separated and scattered over various properties.

868. Your opinion is that it would not be necessary to provide at that time against great assemblages of the negro population?—I think the police laws, without any other acts than those of the island now in force, would be sufficient if the police was on a good footing.

R. R. Madden, M.D.

29 April 1836.

869. In your opinion the prevention of great assemblages of negroes would be an infringement of a state of perfect and complete liberty?—I should think the common police laws and the criminal laws of the country would be sufficient to preserve order.

870. Sir *George Grey.*] Are you aware of there being a great quantity of unoccupied land in the central part of Jamaica?—I believe there is.

871. Do you think there would be no danger of negroes, without some specific provision, settling on that land and cultivating it without contributing to the general interest of the colony?—I know the negroes had a general opinion that they might settle on any unoccupied land; they were under a great error in that respect; they thought themselves entitled, for instance, to settle on the unappropriated Crown lands.

872. Mr. *Buxton.*] Do you think that evil would be sufficiently met by making regulations, by which any persons were permitted by law to purchase whatever land they wanted to occupy, at a fair rate?—I think regulations of that kind would have the necessary effect.

873. Sir *George Grey.*] That being rendered applicable to all the negroes as well as to the whites?—Yes; and that that would prevent it: I think the negroes would be as well disposed to abide by any law of the kind as white people.

874. Do you think that if that regulation were made, it would be a stimulus to them to work for wages?—It would be a great stimulus to their industry, I have no doubt.

875. Mr. *O'Connell.*] The scale of punishment of course is changed with the altered condition of the negro?—I am not aware that it has been effectually changed by any law since I was in the island.

876. The alteration of the law, from slavery into qualified freedom, has altered the scale of punishment?—Yes, very much.

877. Are you aware of the system of punishment while you were in the island, and from hearsay since?—I am aware of the system of punishment which prevailed at the time I was there.

878. The power of flogging has been taken away by positive enactment?—It has, from the owners.

879. Did the owners substitute any other punishment in its room?—They had no power of inflicting any other corporal punishment.

880. Have there been any other punishments inflicted in its room?—No other corporal punishment by law; there is solitary confinement and small allowances of food, which may be authorised by a special magistrate.

881. Is there any other punishment authorised by law?—Yes, there is one other, the treadmill.

882. Sir *George Grey.*] Is it the owner or the magistrate who has the power of inflicting?—Only the special magistrate.

883. Has the owner, without the intervention of the special magistrate, the power of inflicting any punishment?—None whatever; he may punish them by discontinuing their allowances, but not with corporal punishment.

884. Mr. *O'Connell.*] The power of punishment is altogether transferred to the special magistrate?—Yes.

885. Mr. *Gladstone.*] Is he able to punish him by withholding his legal allowances without reference to the special magistrate? It depends upon what the allowances are, I mean the allowances which were discontinued; he could not discontinue any legal allowances.

886. Mr. *O'Connell.*] There are certain allowances defined?—There are.

887. Can you specify those which are so defined?—Amply sufficient grounds for giving the negro food, clothing, medical attendance; those are defined by the new law.

888. Those are all which are mentioned, and the quantity is not defined otherwise than by the general words "amply sufficient?"—That is the way they are defined.

889. Who is to decide the sufficiency?—With regard to clothing, the vestry decided upon that; there must be a representation made to them once a year, specifying the amount of clothing, and they decided upon it; then, as to the provision-grounds, the special magistrate has the power of examining those grounds, by a clause in the Act, to see they are sufficient.

890. Beyond those denominated allowances, have there been other allowances usually or frequently made while they were slaves?—There was an allowance of

sugar, herrings, and rum; those have been discontinued; they were discontinued very generally when I was there.

891. Sir *George Grey.*] Do you mean universally discontinued, or only in your jurisdiction?—Within my knowledge of the parish of St. Andrews they were generally discontinued, but I understand they have been allowed since.

892. When you speak of the power remaining in the hands of the owners to punish by the discontinuance of those allowances, you suppose they are generally continued?—I understand they have been pretty generally allowed again.

893. Then, under that altered state of things the power is in the hands of the managers or owners to punish by withholding them?—It was done for the purpose of getting the additional labour they claimed for those allowances. On the first of August, I understand the attorneys, generally, said, for those allowances you will have to give so much of your own time; the half of Friday, for instance.

894. Were those allowances generally in operation during the period of slavery?—My opinion was, that they were general; that they were necessaries the negro could not do without; but the master certainly had the power, as a punishment, of withholding them.

895. Mr. *Gladstone.*] With reference to clothing; were any complaints made before you judicially of the withholding of legal clothing?—In the parish of Kingston complaints of this kind were very common.

896. What did you consider as your jurisdiction in giving a sufficient allowance?—I conceive that I had the power of ordering the master to give it, and fining him if he did not.

897. What do you consider a criterion of sufficient clothing?—That he should get clothing once a year.

898. Did you conceive you had a right to inquire into the sufficient quality of the clothing, or that that was already determined by the parish vestry, and that you were only to see, as a magistrate, that the man got that which was necessary?—That had not been the custom in Kingston; they were allowed, in many cases, a certain sum for their clothing.

899. Where the clothing was not commuted for a sum of money, did you consider you had the power of fixing the amount to be given?—I think so, with reference to what the custom was.

900. Mr. *O'Connell.*] Is there any corporal punishment which the owner may inflict himself; is not solitary imprisonment one?—There was one mode of corporal punishment which he had the power of inflicting in Kingston, and which was, ultimately, the cause of my leaving; there was a punishment of seizing apprentices where there was resistance, and dragging them before me. That was generally done until I endeavoured to put a stop to the practice by establishing warrants, and I did not often hear of it afterwards.

901. Is the power of inflicting solitary imprisonment used?—It is used, and very much abused I think.

902. The owner can use that power, can he?—No.

903. Sir *George Grey.*] Is there any power given as to the extent of imprisonment by the clause?—No, not on the apprehension of a negro; it says the master, at the expiration of 24 hours, may take him out of confinement; but it does not make it compulsory on him to do so.

904. Mr. *O'Connell.*] Does not the clause make it necessary for the manager to procure the attendance of a special magistrate?—As soon as possible; but the version of that rests with the owner, what he means by "as soon as possible."

905. It might be made a subject of complaint, and cognizable by the special magistrate, might it not?—Yes, if for any lengthened imprisonment.

906. And with regard to that violent seizure, in carrying apprentices before the magistrate, ought not you to describe that as a matter of vexation instead of a matter of punishment?—Yes; I was wrong in describing it a punishment.

907. Sir *George Grey.*] Does not the clause which gives this power of apprehension, also require (whether the negro is liberated afterwards or not) the owner to report to the special magistrate the fact of his having apprehended him?—Yes, and it is a very important one; if it was not for that, great injustice would be done to the negroes; but by that clause he is obliged to report to the special magistrate; and, if he has let him be there longer than is absolutely necessary, he would be liable to punishment.

908. Mr. *O'Connell.*] You are aware, are you not, that many instances have occurred of confinement for 24 hours, and longer, of a negro, without any charge being

R. R. Madden, M.D.

29 April 1836.

being made against him?—In the beginning it was frequently done, and in consequence I have fined persons.

909. Sir *George Grey*.] You have yourself fined individuals for having unreasonably detained negroes in imprisonment?—Yes, for keeping them longer than 24 hours; sending them into imprisonment on Saturday, and keeping them there until Monday, when they might have been brought before me on the Saturday.

910. Does that information come to you upon the complaint of the managers or the complaint of the apprentices?—Generally they were brought up before me by the owners; and when I have inquired how long they have been in imprisonment, and I have found they were imprisoned unnecessarily beyond the specified time, I have made those persons make a complaint against the master; but this was in Kingston, where the magistrate sat daily.

911. Mr. *O'Connell*.] What are the offences for which flogging is administered?—For absence from work, and for insubordination; it may be inflicted for what is called impertinence or insolence to the master, and it is a great difficulty to know what insolence means often; for every species of misdemeanor which is brought before a magistrate in this country, and for any of these the special justice may inflict corporal punishment.

912. For everything that may be called insubordination?—Yes, insubordination; it is one of the things distinctly mentioned.

913. Sir *George Grey*.] The law gives the power of inflicting corporal punishment, does it, to the magistrates?—Yes; but it also gives them the power of commuting that punishment for solitary confinement, the commuting of which must rest with the character of the magistrate.

914. Mr. *O'Connell*.] Is there a wider range of offences, for which the treadmill or confinement is substituted for that of flogging?—That is at the option of the special magistrate, whether he will substitute it or not.

915. There is not a distinct clause for that, so that he cannot help himself; but he may order them to be sent to the tread-mill, may he not?—For instance, all women who cannot be corporally punished; they are generally sent to the treadmill.

916. Have you not heard of instances of women being flogged?—I have heard of instances since I have left the island; but I have not heard of any, except of particular cases, where women have been illegally flogged.

917. Have you heard of any instances where women have been legally flogged?—No.

918. *Chairman*.] Do you mean striking, or flogging?—I remember a case of illegally flogging a woman with a rope, and I fined the owner.

919. Mr. *O'Connell*.] Those were cases of illegal punishments, were they not?—Yes, they were illegal punishments; but they were not general.

920. You have heard cases, I suppose, not of that description, but of flogging in workhouses, have you not?—I have heard of women being illegally flogged in the workhouses; I believe the governor has lately alluded to them.

921. Sir *George Grey*.] Are you aware of the flogging of women being sanctioned by any law in Jamaica?—I know there is no such practice; I never heard of a free woman being flogged; I know the practice does not exist; I do not think it would be tolerated.

922. Under what law can an apprentice woman be flogged?—The new law most distinctly says, "that no female apprentice shall be flogged or punished at all by corporal punishment."

923. *Chairman*.] Then a female apprentice, when flogged in a workhouse, is not that contrary to law?—Yes, it is distinctly so.

924. Mr. *O'Connell*.] Must not you have some magistrate to direct that flogging to be inflicted?—No, I should think it was the workhouse superintendent who did it upon his responsibility.

925. Mr. *Gladstone*.] Is there any local power by which masters are allowed to flog female apprentices?—I am not aware of any free woman being flogged at all.

926. *Chairman*.] Did you ever hear of any free woman being flogged?—No.

927. Mr. *O'Connell*.] Is there any remedy or clause in favour of an apprentice whom a special justice directs to be flogged?—Yes, if he was unjustly flogged.

928. Is there any redress?—His redress would then be upon his coming before a special magistrate.

929. Suppose a special magistrate adjudicates upon the matter, and orders him to

to be flogged, has he any redress?—I do not think he has any other redress except going before another special magistrate.

930. Is there any kind of appeal from one special magistrate to another?—They do so frequently.

931. Sir *George Grey*.] Do you mean there is an appeal in the interval between the sentence and the execution of the sentence?—No.

932. Mr. *Gladstone*.] Is the appeal to an individual magistrate, or to a board?—I never heard of an instance of a negro having so complained between sentence and punishment.

933. Sir *George Grey*.] Have you never heard, do you mean, of an instance of a negro having complained of arbitrary conduct on the part of a special magistrate?—Yes, I have.

934. Have you known of a magistrate being removed from his office on the ground of such a complaint?—Yes.

935. But the punishment must be inflicted, in the first instance, before he can appeal?—Yes.

936. Can he appeal to the government?—Yes, I think he might appeal to the government; but he would have great difficulty in doing so between sentence and punishment.

937. Mr. *Gladstone*.] In point of law, the parties have an appeal to the superior courts, have they not?—I do not think they have.

938. *Chairman*.] You have said that apprentice women have been flogged?—I said I had of late heard so; but those cases I do not know of my own knowledge.

939. Have you heard of them in a way which makes you certain that such cases have occurred?—I do not think that the governor would have alluded to it in his speech to the House of Assembly unless he believed it.

940. Sir *George Grey*.] Do you know whether the governor said, in that speech, it was contrary to law?—Yes.

941. Mr. *Gladstone*.] You say the appeal to the governor is to the governor direct?—Yes.

942. Is there any facility for a person to adopt that course?—I think he would have very great difficulty between the sentence and the punishment.

943. Are the people encouraged to send petitions to the governor?—The governor would not refuse to receive petitions in cases of hardship, but I think he would order the special magistrates first to inquire into the case.

944. Sir *George Grey*.] Are you aware of investigations having taken place founded upon complaints made of the conduct of a special magistrate?—Yes, I remember special magistrates having been appointed to inquire into such cases.

945. Have you heard, since you came away from the island, of several investigations of that nature having taken place?—I have not heard of them, but they may have taken place.

946. Mr. *O'Connell*.] Do you know what interval took place between the time of the magistrate so conducting himself and his having been dismissed, in the case spoken of?—He was in the island in the exercise of his duty when I left.

947. How long before had he committed the offence?—I do not think it was for a particular offence.

948. Mr. *Lushington*.] Are you aware that the Governor-general of India has issued orders that the greatest facility might be afforded to the presentation of petitions to himself, from the humblest of the native population; that his aides-de-camp are particularly cautioned to receive every petition from the lowest individual; does a practice similar to that exist in Jamaica?—I should say it did not exist to the same extent.

949. If an apprentice, complaining of ill-treatment, had been able to make his way to another part of the colony, to the palace of the governor, or rather the Government-house, would he find ready access to him for the purpose of submitting his application?—I think decidedly he would.

950. *Chairman*.] Has there been any public notification given to the negro population of the readiness of the governor to receive their petitions?—No, certainly not; it would not be desirable to give such a public notification, for if you did you would have all the negroes in the island flocking to Spanish Town.

951. Mr. *Gladstone*.] Such petition having been received, to what authority would it be referred to obtain an explanation?—In the first case, if there were any serious circumstances in it, it would be referred to the Attorney-general, by whom it would be duly attended to; if one of less interest it would be referred back to

R. R. Madden, M.D.

29 April 1830.

the special justice, and the governor would order him to communicate with him, and tell him what steps he had taken; and if not satisfied that he had taken the proper steps, he would order two justices of the adjoining district to inquire into the matter.

952. So that, in a case of real hardship, you think that the road to redress would be fairly open?—I think if it was more open it would be still better.

953. Lord *Sandon.*] Did not you say a notification had been issued that application should be made to a special justice, and then, on failure there, appeal should be had to the governor?—Yes, I have had as many as 140 negroes at my house in Kingston, from various properties in St. Thomas's in the East and St. David's, complaining of something on the part of the proprietor which was felt to be a great hardship; sometimes their complaints might be frivolous, to be sure, but I must say they very often were not frivolous when they came down from a great distance to me; but it was to prevent their coming down in great bodies and inconveniencing their masters this order was given.

954. It was then the order was given?—Yes; the order was made for them to prefer their complaints, in the first instance, to a justice in their own district.

955. And then was it ordered that they might subsequently apply to the governor?—I do not remember that was specified in the order, but it was so understood.

956. Mr. *O'Connell.*] But you know, do you not, of instances of trials of negroes being conducted by the stipendiary magistrates in a partial manner, so as to exclude the justice of the case, or render it difficult to establish it?—It is very difficult for a negro to procure witnesses; in the first place, if a magistrate were to insist on his procuring all the necessary witnesses, it would be a matter of the greatest difficulty; he might have to take them from the adjoining properties, and he would incur a great deal of odium from so doing.

957. Then that is one difficulty?—Yes.

958. Sir *George Grey.*] That would not be a difficulty arising out of any defect of the law as administered by the special magistrates. Do you mean that the magistrates have unduly required evidence which was not accessible?—No; the difficulty I speak of is, that of procuring evidence which might be necessary.

959. You mean that the magistrates have failed in procuring witnesses for the party?—I think the difficulty I speak of might be a ground for complaint rather with the negroes.

960. Mr. *O'Connell.*] Is that difficulty applicable at all in the case of a prosecution on the part of an owner?—No; I am alluding to complaints on the part of a negro, where, to substantiate his complaint, he would have to bring witnesses from adjoining properties.

961. Then if a planter complains he can easily get witnesses, can he?—He can command all the witnesses he finds necessary.

962. Mr. *Gladstone.*] Is it your opinion that a planter has a right to appeal from the decision of a special magistrate which the apprentice has not, in point of law?—I do not think he has any appeal against his decision, except a representation to the governor or an action at law.

963. Do you mean that answer to refer to the planter, or the negro?—The planter; he may bring an action against the special magistrate.

964. Mr. *O'Connell.*] Is the negro necessarily present at his trial for those offences?—I never knew an instance in which he was not present.

965. Have you heard of instances in which he has not been present?—I have.

966. Since you were there?—Yes; I have only heard of it in one instance.

967. Sir *George Grey.*] In that particular instance, was the name of the individual given?—Yes.

968. Should you be able to designate it as an instance on which an investigation could take place?—The gentleman is not living.

969. Do you believe the precise evidence as to that would be substantiated?—I have only heard of it from other persons.

970. Are the magistrates upon oath in cases of applications for the valuation of apprentices?—They are not.

971. Do they adjudicate upon a statement taken upon oath?—Yes.

972. In all cases?—No, at the commencement of the operation of the act, it was not so generally.

973. Does not the act require that it should be a statement upon oath?—It was a matter

a matter of some doubt, I know, at the commencement, whether all the evidence should be taken on oath.

974. Mr. *O'Connell.*] Do you know whether the apprentice is punished upon the evidence of the master alone?—Yes, he may be.

975. Does that occur where the master has an interest in the punishment, the punishment being additional labour?—Generally considered, it is supposed that the master making his complaint upon oath, unless the special magistrate sees some reason to doubt that evidence, it is sufficient to convict the negro.

976. Is the evidence of the negro taken against the master upon his complaint?—Yes; but I think the balance is rather in favour of the white man always.

977. Sir *George Grey.*] In the case of a negro making a complaint against his master, is the negro competent to give evidence against the master?—Yes; just as competent as the white man to prefer his complaint.

978. Mr. *O'Connell.*] And to prefer it on oath?—Yes.

979. But still you think there is a general bias in favour of the master?—Yes, in favour of his evidence.

980. Do you know that in some of these punishments the time is appropriated to the master, the negro being punished by being obliged to give additional labour?—He may have 15 hours in each week of the time of the negro.

981. Do you know whether there has been any decision or adjudication, by means of those punishments, to continue the apprenticeship after 1840?—Yes, I do know of such cases.

982. Sir *George Grey.*] Is not there a specific clause respecting that point? Yes; there is in the Colonial Act.

983. And is not the term of apprenticeship expressly limited by that Act as well as the Imperial Act?—Yes.

984. But it is not discretionary?—Yes; the first clause of the Act says slavery shall expire in 1840; and the subsequent clause says, you may continue the apprenticeship for one year after 1840.

985. And not for more than one offence, absence from the employ of his master?—Yes.

986. He may make up the time?—Yes.

987. *Chairman.*] What opinion did you form of the accuracy and veracity of negro evidence?—That is unfortunately one of the greatest defects in the slave character, the prevalence of falsehood among them; it is one of the vices which in every country I have been in, and where I have had opportunities of judging of the slave character, belongs especially to slavery.

988. Mr. *Buxton.*] You said for very trifling offences the apprenticeship might be prolonged beyond 1840?—Yes, for occasional absence may be so regarded in some cases as to be a trifling offence, and yet the apprenticeship might be continued after 1840.

989. Mr. *Gladstone.*] Do you consider that the apprenticeship might be prolonged beyond 1840, for any absence except any one which has lasted for a considerable time?—I think the Act allows it for a portion of time, not proportionate to the prolongation of the term of apprenticeship.

990. Are you aware of any case in point which has occurred, in which the apprenticeship has been so prolonged?—I am aware that there were general instructions to the special magistrates from the executive, reminding them of the power to continue the apprenticeship beyond 1840 in cases of absence.

991. Without limit or reference to the duration of that absence?—I think with reference to the course laid down by the Colonial Act.

992. Mr. *O'Connell.*] With this single exception, of removing the flogging from the hands of the owners to the hands of the special magistrates, can you state any very decided advantage the negro has got, under the new Act, in point of punishment and labour?—He has gained an advantage in point of labour and in point of punishment, especially with regard to punishment not following on passion; perhaps a day or two of confinement intervening between the day of the offence and the punishment, which is a very great advantage.

993. You think that the negro apprentice must consider himself to live under better circumstances than as a slave?—I consider that his situation is better than under the administration of the law by special justices; but where the special justice may not be disposed to take an active part in his favour, I do not think him much better off.

R. R. Madden, M.D.

29 April 1836.

994. Mr. *Gladstone.*] With regard to the special justice, with all the means you had of forming an opinion, is it your opinion that the special magistrates, as a body, are disposed to afford adequate protection and attention towards the negroes?—I can only speak of those I knew; I think that, as a body, they were disposed to do so when I was in Jamaica; but the majority of the gentlemen I knew, who were then in the island, are dead.

995. You said the influence of society, acting upon the special magistrates, would be against the negroes, and in favour of the planters; is not that a system which will apply generally, when they who are the accusers are taken from a higher state of society, and those accused are of the lower?—I do not think it is a difference of classes merely, but a difference of castes, on account of complexional distinctions which makes the difference.

996. Mr. *O'Connell.*] The magistrates being naturally in the society and in the scope of all the courtesies of life of the one class, and not of the other?—That is an advantage which the master has decidedly; for the special magistrate is in the habit of meeting the gentlemen of the county, the planters, and, of course, he must be on intimate terms with them.

997. And if he excited their displeasure, he would find himself very uncomfortable in society, I suppose?—Yes, I think very much so.

998. Then are you to be understood that the great difference between the negro in a state of slavery apprenticeship will be found in the integrity and impartiality of the special magistrate?—It all depends upon that.

999. Mr. *Lushington.*] The special magistrate is the great hinge upon which it all turns?—Yes.

1000. Sir *George Grey.*] Do not you think that the effect of any bias on the part of any special magistrate, such as you have referred to, will be in a great measure checked by the superintendence of that body by the executive government?—I think it might be checked to a great extent, and I know Lord Mulgrave used every means to prevent any bias of this sort, even before the operation of the new law.

1001. Mr. *Buxton.*] Are you able to form any opinion, as to the capabilities of the negro, and his readiness to receive proper religious instruction?—Yes; I have had opportunities, both in the east and in the west, to form some opinion on this subject, and my most decided persuasion is, that the negro is not inferior to the white man, either in his intellectual or moral capacity; he may and must, by his condition, be inferior to him in his endowments; but he is not in his capacity for these. I think he has a great desire for religious instruction, and that he gets that; but I cannot say that any opportunities for intellectual improvement are afforded to him.

1002. You mean that he has a moral capacity, and a desire for religious instruction?—He has all the capacity that the white man has.

1003. Lord *Sandon.*] Have you acquired any knowledge of the intercourse between the missionaries and the negroes?—I had ample opportunities of witnessing the communication between them.

1004. Is that effect beneficial with the view of promoting order and good behaviour between the planters and the negroes?—I think it would have been impossible to have kept slavery together without it.

1005. Are you aware that any estates were improved by the presence of the missionaries?—I think wherever the missionaries took the most active steps in teaching the negroes, there they did that most effectually.

1006. Did you ever hear of any particular estates, the agents upon which ascribed in an eminent degree its prosperity to the instructions of the Moravian missionaries imparted to the natives upon that estate?—I never knew of any such instance myself, but I know from others, that the exertions of the Moravian missionaries were considered more successful than those of any other class of persons.

1007. Mr. *O'Connell.*] You are a Roman-catholic, are you not?—I am.

1008. Mr. *Gladstone.*] Do not the masters generally concur in that opinion of yours, as to the Moravian missionaries?—Yes, I believe they do.

1009. I want to ask how many estates there were in your district?—Very few indeed.

1010. How many?—I do not think there were more than two or three having non-prædials.

1011. Were

1011. Were they sugar plantations?—I do not think there is any sugar plantation in Kingston.

1012. Consequently, you would not have personal opportunities of ascertaining what went on in connexion with the cultivation of the country?—No; I am not competent to speak to that.

1013. And most of the facts you have stated, which bear upon the working of the estates, are facts, the knowledge of which you have derived through special magistrates who were in the habit of resorting to your house?—Yes, first of all; and, secondly, from their representation, confirmed by my own observations.

1014. What was the exact date of your departure from Jamaica?—On the 18th or 20th November 1834.

1015. I understand you to say, that the unfavourable opinion you had formed as to the probable working of the apprentices, had not been changed, though it had been in some degree modified by what you had learnt since leaving the island?—Yes.

1016. Did I understand you the main feature of the apprentice system, which induced you to conclude unfavourably of it, was a general withdrawing of allowances?—Yes; and also a general absence of contracts for wages, and the insufficient number of special magistrates; these were three very principal causes.

1017. I state these as the symptoms, without asking you the causes of those particular circumstances; were these the main features?—I think they were.

1018. Supposing you were apprised that the working for wages was now a general rule, and not working for wages the exception; that the special magistrates, as you have been apprised, have been doubled in number, allowances were generally given, and punishments were very much on the decrease. Assuming those circumstances, would your opinion as to the probable issue of the apprenticeship be ultimately changed?—It would be very materially changed if I ceased to consider upon the constitution of the House of Assembly, and its influence upon the conduct of the proprietors and overseers generally.

1019. These are admitted facts respecting the constitution of the House of Assembly, and your opinions are fixed respecting the temper of that house; but, taking these as they are, and supposing them to remain as they were, and these improvements, which I have described, had taken place under the influence of the House of Assembly, is it from that state of feeling and temper you would despair altogether respecting the operation of the system of apprenticeship?—If these improvements had taken place, to the extent you have stated, it would alter my opinion.

1020. You said just now, that most of the special magistrates who were there when you were in Jamaica are dead, and their places have been supplied by others; have you reason to believe that those who have supplied those places are of different principles?—I have no reasons to know that they are.

1021. Do you think that they are disposed to give more protection to the negroes?—Most of those that I was intimate with were disposed to do their duty towards the negro.

1022. Are you aware of any special preparations having been made on any estate in Jamaica before the 1st of August, to prepare the way for the emancipation of the negroes?—It was one of the greatest causes of complaint, that no adequate provision or preparation was made for that event.

1023. Are you aware of any estates where it was brought about voluntarily by the proprietors?—In fact, where that was done, it was done by the proprietors; not by the attorneys, but the resident proprietors, or those who had gone out recently; by gentlemen who came from England to look after their properties.

1024. Could you name any of their estates?—I know it was done upon Mr. Shuley's, and I believe it was done upon Sir Henry Lushington's, under the superintendence of Captain Lushington.

1025. Are you aware whether, upon those estates, the results were beneficial?—Most decidedly so, I understood.

1026. Sir *George Grey*.] You have spoken of the evils which you attribute to the House of Assembly; do you consider those evils as necessarily connected with the apprenticeship system, or having arisen out of the state of slavery; are the evils likely to exist after the apprenticeship system shall have terminated?—I see no possibility of an alteration in the House of Assembly until the elective franchise is enlarged, which must be the case when apprenticeship ceases in 1840. I think a great

R. R. Madden, M.D.

29 April 1836.

a great many who are now apprentices will then become electors, and they will have an influence over the tone and temper of the House of Assembly.

1027. Mr. *Gladstone.*] Do you ascribe to the whites a deliberate determination of working the apprentices after the term is expired; do you think obstinacy or prejudice would render them incompetent instruments for carrying the provisions beneficially into effect?—I think there are great allowances to be made for the irritation which has arisen; I do not think it possible to take power away from men who have had it without control without their feeling great reluctance to part with it.

1028. Are you likely to attribute that to irritation, and not to deliberate intention to frustrate the object of the provision?—A great deal to irritation, and an attachment to old prejudices, creating an opposition especially on the part of the embarrassed proprietors in the island; and I think there was something like a settled purpose to prevent the working of the measure.

1029. You do not apprehend that from the other party, the unembarrassed proprietors?—No, decidedly not; the less embarrassed they are, the less disposed they are to oppose the new measure.

1030. Mr. *O'Connell.*] Then upon the estates of substantial proprietors you do not think that result would occur?—I think the estates which are under the management of the attorneys are likely to be those upon which it would take place.

1031. Mr. *Gladstone.*] Are you aware of many estates in which the system was introduced before the 1st of August?—Very few; I was intimate with Lord Mulgrave at the time of the act passing the assembly, and had opportunities of hearing from those about him on this subject, and I would say that they did not exceed 12 or 14 estates in the island; but I cannot remember the names.

1032. Then one of the causes which you assigned for the probable failure of the apprenticeship system was the importunity of merchants at home for large returns: is that a general opinion. Are you aware of any specific fact of demands for increased returns upon which you founded that remark?—I founded the remark upon a particular instance.

1033. Will you describe the circumstance?—I know that upon properties where an attorney is the acting person, he represents that the merchant at home is not satisfied with the turns which he gets; and that is one reason for his using additional means for getting labour. It is a very common assertion that the merchant at home expects large returns.

1034. I would wish to direct your attention as to whether there has been increased urgency in that respect?—I do not say there was increased urgency since August; I say there was such an alleged demand.

1035. In how many parishes in Jamaica have you been?—Kingston, Port Royal, St. David's, St. Thomas' in the East, St. Andrew's, St. George's, St. Mary's, and St. John's.

1036. Mr. *Buxton.*] Have you received letters of instruction from Lord Sligo as to the discharge of your duty?—Yes.

1037. Will you put those letters of instruction in? (*The witness produced them.*)

1038. Sir *George Grey.*] Are they letters directed to you personally, or those printed in the Parliamentary Papers?—They were general instructions sent to all the magistrates in the island, and I believe are printed.

[*The Letters of Instruction were put in, and read as follows:*]

Sir, King's House, 15 July 1834.

The near approach of the 1st of August renders it expedient that I should address you on the important duties which it falls to your lot on that day to enter upon. On the manner in which you shall perform the functions which will be on that day committed to your charge depends, in a great measure, the happy completion of one of the noblest measures ever devised by the heart and feeling of man; great, therefore, is your responsibility. The proprietors throughout the island have been publicly exhorted by me to make such domestic arrangements as will, under the change, be of as much advantage to one class and as little detrimental to the other as its extraordinary character will admit of. That some have in compliance with my recommendation I have personal knowledge, that many more have done so, I have reason to think, and have besides been informed that active and seasonable preparations have been made over the greatest part of the island. These arrangements are of the first importance to the future prosperity of Jamaica, and their success must in a great measure depend on the zeal and discretion with which you shall support the proprietors

R. R. Madden, M.D.

29 April 1836.

prietors of estates and other properties in carrying these measures into effect. Let your zeal, however, be tempered with extreme caution; and when you recollect that I have used that word, do not forget, that I have recommended to you in the most serious manner also discretion. Let your zeal be shown in the readiness with which you attend to the calls and suggestions of the proprietors and gentry of the country. Let your caution be exhibited in the consideration you give to those suggestions and to the cases which may be submitted to you. Human strength cannot go farther than a certain point, and therefore there may be some difficulty in your meeting the numerous calls which may be made upon you for your attendances. Prefer always to take sufficient time at each place to decide properly what may be submitted to you rather than hurry from place to place to hear a greater number of cases. You will take a note of the calls which are made on you for your attendance, and visit in succession those places where your services are required, as far as their position renders it convenient. In many cases, however, you will be able to get through much more business by varying from this general rule. It would be expedient that you should give notices, when possible, in what direction you mean to go each day, in order that any person requiring your advice and presence may come up to the principal place where it is your intention to stop. You will appoint an early hour on some one day in each week when you will hold a session at your own house to dispose of such business as may come before you. On other days when you have time you will, of course, decide at home such incidental cases, provided that your doing so does not interfere with any previous appointments. An appointment, however, once made, you should never, unless in very urgent cases, fail to keep. You will, when it is possible or convenient to you to do so, hold your session at the place on the day that the petit sessions for your district are held, but at an earlier hour. It would be advisable that you should, when you have time enough, attend those petit sessions, in order that you may learn the usual application of the law in your district; but in such cases remember you are always the junior magistrate. Should you differ in opinion with the bench, you will, after expressing the reason of your dissent, withdraw from it till the decision on that particular case shall have been given. You will recollect the extreme importance to the public of the good behaviour of the police force; you will, therefore, pay close attention to all its proceedings in your district, and I shall expect from you confidential reports respecting their conduct and habits, whether officers or men. Should you see them acting in any manner you do not approve of, as that body is under the direction of magistrates, you will order them to stop, unless they show you superior instructions. You will, in case you should meet the county inspectors or the inspector-general, convey to them your remarks on the conduct of the police. You will recollect that on the 1st of August you become a magistrate for every part of the island, as far as all dealings between master and apprentice are concerned. You will not, therefore, hesitate on any emergency to go out of your own district to a neighbouring parish, if the urgency is greater there. You will consider your own district more generally in your charge; but you must not confine your services to it, if you judge that they are more requisite out of it for the moment. You will brief in a book for future reference a regular diary, containing the whole of your proceedings, the places you have visited, the names of the owners, the cases decided, the names of plaintiffs and defendants, witnesses, and results, as well as any general remarks you may wish. To make out each week up to the day before the Spanish Town post leaves your office, a regular diary taken from such book, specifying the proceedings of each seven preceding days, leaving out only the names of the witnesses, and any memoranda you may have taken of the evidence; this, however, if you see no reason why I should be made acquainted with the evidence. Should anything appear to you worthy of notice in what has transpired before you, you will not hesitate to communicate it. You will direct your Report to Colonel Doyle, indorsing the top of it as "Special Magistrate's Report," and placing your name at the lower corner.

Anything of a private nature you can communicate to me direct or to Colonel Doyle, on a separate sheet, marked *private*. In conclusion, allow me to give you your principal instructions, and to supersede all others, that you shall always have the law under which you act before you, and in every case be guided entirely by it in the execution of your duty.

I have the honour to remain, Sir, your obedient servant,

Sligo.

To Dr. R. R. Madden,
Special Magistrate, Kingston.

Sir,—I am commanded by his Excellency the Governor to make for your guidance the following observations:—In cases of habitual runaways they ought to be condemned to additional labour as to their own time now, and to a prolongation of their apprenticeship for some period after the expiration of the present legal term. In cases of second running away, half diet, of the lowest description, when in confinement; and if no tread-wheel, hard labour in the penal gang will be a proper punishment. Where a proper proportion of work is not performed in the hours allotted for work, it may be advisable, instead of confining apprentices, to order them to make up the lost time, or give an adequate quantum of labour out of their own time. I take this opportunity of observing to you that the number of miles required to be stated in your weekly report, is to show the distance travelled by you each day, and not the distance between the several properties and your own residence in the parish.

I am, &c.

R. G. Nunes, Secretary.

Martis, 3° die Maii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.
Mr. Fowell Buxton.
Mr. William Gladstone.
Mr. Andrew Johnstone.
Mr. Thornely.
Mr. Charles Lushington.
Sir Stratford Canning.

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq., called in; and further Examined.

John Jeremie, Esq.
3 May 1836.

1039. Mr. *Buxton.*] ARE you prepared to state anything further relative to the Jamaica Acts?—Yes.

1040. State what further occurs to you?—I find among these papers several Acts, three or four at least, which require to be laid before the Committee. The first Act to which I shall take the liberty of calling attention is the Act "for making further provision for the building, repairing and regulating of gaols, houses of correction, hospitals, and asylums."

1041. Is that in this blue book?—Yes, page 294, it is No. 6. The first point with regard to this Act is the date and the time for which it was passed. It was passed on the 4th of July 1834, and is to continue in force only until the 31st of December 1840, the exact period of the apprenticeship.

1042. *Chairman.*] What inference do you draw from that?—That its object is directed principally to that body of the community who are in apprenticeship; it commences by directing that the three county gaols shall be improved, and that a gaol and house of correction shall be built in every parish, and the expense of building is to be paid by a tax on each parish. It then lays down certain rules for the regulation of those prisons, to which I find no objection; but a general power is granted subsequently to the "common council of Kingston, and five justices of the peace in quarter or special sessions assembled in the other parishes, to make further and additional rules for the government of such prisons, provided that such rules shall be consistent with and conformable to the rules and regulations in the Act contained, which rules and regulations they shall, as soon as may be convenient, transmit to the governor a copy of." Now a power of this kind delegated exclusively to colonial magistrates, and exercised by them without the previous sanction of the governor, where especially the rules are only "as soon as may be convenient," to be transmitted to the governor, seems not only liable to great abuse, but in direct opposition to the enactments that have been framed in England in *pari materiâ*, by which, if I am not mistaken, all such rules and regulations are to be previously approved by the Secretary of State.

1043. Mr. *Gladstone.*] What are the regulations in *pari materiâ*?—In all public prisons and gaols; and the Act to which I allude is the 5 & 6 Will. IV. cap. 38.

1044. Does that Act, or the other Acts with which you are acquainted with reference to English prisons, go as much into detail as to the rules to be observed as this Act does?—I am not aware that it does; but by that Act inspectors are appointed to visit prisons who are not even magistrates, so that it has been found necessary even to establish a controlling power over magistrates of counties in England; and yet over colonial magistrates, at a period so important and exciting as this, no effective control of any kind is established.

1045. At what period was that system of inspectorship recognised; was not it in 1835?—It is very recent.

1046. Subsequently to this Act?—Yes.

1047. Consequently, as to the system of inspectorship, there was no model in the mother country from which it could be copied?—Even then I find there is an omission. Some efficient control might have been confided to the governor, and special magistrates might have been named as visitors; but instead of that the whole of the management is placed in the hands of colonial magistrates, and

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the only control is in their being required to report their rules "as soon as convenient."

1048. Has this Act any reference to apprentices only, or is it general?—It is general, but it bears peculiarly hard upon apprentices; it was passed just at the time the apprenticeship began, and is to close when the apprenticeship ceases; it is under this Act, as I shall prove, that the flogging of females has taken place, and therefore have I been induced to study it more particularly.

1049. You said you would call the attention of the Committee to the duration of the Act in the first instance, but you did not specify any objection you meant to take upon that ground?—The Chairman put a question to me as to the inference I drew from it, and I said my inference was, that it was intended to apply to the system of apprenticeship; a system just created when the Act was passed, and about to expire when the Act expires.

1050. *Chairman.*] Do you know what is the usual practice in Jamaica with regard to the duration of Acts of the Legislature?—I believe in all the colonies it is a very ordinary practice to introduce a clause by which local regulations are only to endure for stated periods.

1051. Mr. *Buxton.*] But in this case the Act commences within a few days of the period when the apprenticeship system commenced, and is to close about the same time that the apprenticeship is to close?—Yes; it was passed on the 4th of July 1834; the apprenticeship was to commence the 1st of August of that year: it expires the 31st of December 1840, and the apprenticeship expires the 1st of August 1840, just time enough for the apprentices to have undergone their punishment.

1052. Mr. *Gladstone.*] Were not there some very special reasons that might suggest the assigning that particular termination to the Act?—A very strong reason indeed, the fact of the apprenticeship being in existence. I know of no other; but that I think a very excellent reason in itself. I do not blame them for the Act being made to expire at that time, but I scrutinise it the more closely for that reason; nor do I blame them for having a gaol in every parish.

1053. Does the Act impose any financial burthens?—Yes, it does.

1054. Then the doubts in the minds of the residents in Jamaica as to the cultivation of the island continuing after the apprenticeship, might be in itself a sufficient reason for assigning that termination?—There were very many excellent reasons for assigning that termination; the cultivation of the island among others. The Act in aid of this Act expires in 1840 also.

1055. That has special reference to the gaols?—Yes, and to the apprenticeship also; but the present Act is of great importance on this account, that the Apprenticeship Act in aid enables the special justices to commit apprentices, offending against the discipline of estates, to the common gaol or the house of correction. Now it is necessary to ascertain under whose management the apprentices will be when thus sent, for an unlimited time, by the special justices to the houses of correction; and if I find Lord Sligo's declaration, addressed to the House of Assembly in Jamaica, with respect to the flogging of females, fully confirmed by this Act, then I conceive that it is directly repugnant to the Imperial Act, and open to observation when ascertaining the condition, both legally and practically, of apprentices in Jamaica.

1056. *Chairman.*] Do I rightly understand you, that your main objection to the system of these houses of correction consists in their being exclusively under the management of the colonial magistrates?—My main objection certainly is, that they are under the exclusive control of the colonial magistrates, and that apprentices sent there are withdrawn from the control of the special magistrates.

By the next clause, the first clause in page 297, "The mayor, aldermen, and common councilmen of Kingston, and the custodes and justices of several towns and parishes, are required to nominate two or more justices, who are personally to visit and inspect each prison and house of correction once every day, if it should be practicable and expedient. Those justices are authorised to examine into the behaviour and conduct of the respective officers, and the treatment, behaviour, and condition of the prisoners and inmates, and in matters of pressing necessity, within the power of their commission as justices, they shall take cognisance thereof, and proceed to regulate and redress the same." Now, by virtue of this clause, one colonial magistrate, at least, may be expected to visit each prison every day, and there take cognizance of the behaviour of the prisoners, and proceed to redress the same. Here is at once jurisdiction given to them, immediate jurisdiction,

John Jeremie, Esq.
3 May 1836.

over every inmate, without exception, of the workhouse; a jurisdiction which is without appeal.

1057. *Chairman.*] Is power given by this clause to any visiting justice to increase any punishment?—This clause relates to the behaviour of the prisoners within the house of correction, and therefore they have no right to increase any punishment awarded by the special justice; but they have authority to inquire into the conduct of every prisoner within the prison, including apprentices sent there by the special justice for domestic offences.

1058. And to punish any breach of discipline?—Yes, within the workhouse.

1059. What observations do you wish to make upon that clause?—That it transfers the care of the apprentice, when sent to the workhouse, from the special justice to the colonial magistrate; and then I shall proceed to show that the authority of the colonial magistrate extends to the personal correction of such persons.

1060. Mr. *Gladstone.*] Do you think that the enactment you have adverted to amounts to a contravention of the spirit of the Imperial Act, or of the spirit and the letter also?—Of the spirit alone; but it is a most complete contravention of the spirit, if it has the effect of indirectly authorising female apprentices to be flogged in consequence of a breach of the discipline of the plantations.

1061. I do not allude to the particular enactment, I allude to the system of enactments, by which apprentices are brought under the cognizance of the general magistrates, in respect to offences against the discipline of the prison; and I would ask you, with reference to the general principle that places the apprentices under the cognizance of the colonial magistrates in the prison, what are the precise limits of your objection upon that score?—I object to the apprentice being withdrawn from the jurisdiction of the special magistrate in any case where the original offence is purely of a domestic nature.

The next is the only clause that authorises the special justice to enter the workhouse; and I conclude that the special justice is allowed to enter it from the very general wording of the clause: "Provided that it shall be lawful for any justice of the peace, of his own free will and pleasure, without being appointed a visitor, to enter into and examine every prison, house of correction, hospital or asylum of such parish for which he is a justice, at such time or times, or as often as he shall see fit, and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing, at the next meeting of the common council of Kingston, if he be a member thereof, or to the quarter or special sessions of the several other parishes respectively;" so that the special justice may undoubtedly visit the house of correction, but all he can do is to "report" to the colonial magistrates.

1062. Do you conceive that special justices may be chosen visitors under the preceding clause?—I see nothing to prevent it; but as there is only one special justice in a parish, he is not likely to be chosen by a body of colonial magistrates.

1063. Are you correct in saying there is only one special magistrate in a parish?—It would appear so; though I am not positive.

1064. It appears that the jurisdiction of the magistrates in the prison, is limited by the terms at the end of the clause, that they shall take cognizance thereof, "and in matters of pressing necessity, and within the powers of their commission as justices;" having special regard to those qualifying words, is it your opinion that the general magistrates of Jamaica could administer punishment to apprentices for offences against the discipline of the prison?—Yes, unquestionably.

To proceed; the next clause merely authorizes the mayor of Kingston, and justices, and so on, to nominate the keeper, which shows that the keeper is entirely in the power of those colonial magistrates; that he is merely their servant.

The 2nd clause, at page 298, then authorizes the keeper "to hear complaints contrary to the rules of the prison, and to punish the offenders by close confinement in the refractory or solitary cells, and by keeping such offenders upon bread and water only for any term not exceeding six days, provided the visiting justice shall confirm such decision, or for such time within the said six days as the said justice shall by a written order determine." Now if there could be any doubt as to the power of the visiting justice, though not a special justice, over all the inmates, that doubt would be removed by the last words of this clause; it is perfectly clear that the keeper has power over all the inmates, and that the keeper's decision is to be confirmed in writing by the visiting justices.

1065. If it were your opinion, under the clause last mentioned, that the terms "within the power of their commission," limited the interference of the general justices

justices to the prisoners not apprentices, would you still hold, under the clause to which you now advert, that the visiting justice had a power over all the inmates of the prison?—I consider that these clauses can only be interpreted the one by the other; and if there was any doubt in my mind, as to the words "within the power of their commission," it would be removed by the last clause; but I conceive that these words do not apply to the case pointed out. The clause in which they are inserted, is so very extensive, and the powers given to the visiting magistrates so large, that I think we shall find another interpretation for the words "within the power of their commission." They are at liberty to "examine into the state of the building," so as to form a judgment "as to the repairs, additions or alterations which may appear necessary." Now the word "additions" alone may at once explain the limitation intended by the words "within the power of their commission as justices," their powers would otherwise be exceedingly extensive indeed. Then they shall examine into the behaviour and conduct of the respective officers, and "the treatment, behaviour, and condition of the prisoners and inmates, the means of setting them to work;" all those powers are conferred upon them generally; but when they come to exercise them in particular cases of pressing necessity, they are not to exceed "the powers of their commissions as justices."

My attention is particularly drawn to the words "as justices," but the above explanation would offer a very satisfactory construction of those words. Abuses and misconduct may have occurred, that would require severer treatment, whether as regards an apprentice or any other individual, than the justice by virtue of his commission would be warranted in inflicting; and the intention is that he shall only inflict within the prison such punishment as he could by virtue of his commission inflict beyond its precincts. I therefore apply the words to all prisoners; but I affix a limit to the infliction of the punishment, and to their powers in ordering other matters that are placed generally under their control as visitors.

1066. Did you ever see the commission of a justice of the peace in Jamaica?—No.

The next clause to which I shall call the attention of the Committee, is the third clause, in page 300, numbered 15: "And be it further enacted, that in case any criminal, prisoner, or inmate shall be guilty of any repeated offence against the rules of the prison, house of correction, or hospital or asylum, or shall be guilty of any greater offence than the gaoler or keeper is by this Act empowered to punish, the said gaoler or keeper shall forthwith report the same to the visiting justices, or one of them, for the time being; and any one such justice, or any other justice of the parish to which such prison, house of correction, hospital or asylum belongs, shall have the power to inquire upon oath, and to determine concerning any such matter so reported to him or them, and to order the offender to be punished by close confinement for any term not exceeding one month, or by personal correction, as in the case of prisoners convicted of felony or sentenced to hard labour." Here, then, a "repeated offence" against any of the rules of the prison, or any "greater offence" than the gaoler is empowered to punish, is treated as a felony, to be followed by personal punishment, as in the case of prisoners convicted of felony; so that there is no doubt any one of the justices of the parish has a right to inflict any kind of "personal correction" awarded by the law of the island in cases of felony; a most arbitrary and extraordinary power.

1067. *Chairman.*] There must be some misprint in that clause?—Here is another copy of the Act published in Jamaica, and it is the same there; it gives them the same power as if he, the delinquent, were a "felon"; in other words, power to flog; the words "personal correction" bearing that construction.

1068. Mr. *Buxton.*] Three points are clear, that, for an offence "repeated," any justice, whether the one selected is the visitor or not, belonging to the parish, may order personal correction upon any prisoner, male or female?—Yes, that is clear, according to my view; and I cannot imagine how any other construction can be put upon it.

1069. *Chairman.*] That is, taking for granted that, in the case of a prisoner, male or female, sentenced to hard labour, he has the power of inflicting personal correction, it is quite clear that personal correction is limited to prisoners sentenced to hard labour; and unless the justices can do it on male or female prisoners sentenced to hard labour, they cannot do it upon males or females in the workhouse?—I take it to be clear that, by the law of Jamaica, the punishment of flogging may be inflicted upon felons.

 1070. Upon

John Jeremie, Esq.

3 May 1836.

1070. Upon females?—Yes, if convicted of felony or sentenced to hard labour; if it be not so, then they will not be liable to flogging under this Act.

I should beg to call attention to the fact, that this clause applies to the inmates of an hospital or asylum, but I take it to be also clear that this can only apply to persons sent there for an offence or crime. I think the word "criminal" governs both prisoner and inmate of an asylum; when prisoners are unwell they are sent to the hospital or asylum.

1071. Mr. *Buxton*.] Does not this sentence, in the message of the governor to the House of Assembly, dated the 17th of November 1835, throw light upon the construction put in Jamaica upon this Act: "His excellency understands that the power of inflicting corporal punishment, at their own discretion, has been trusted to the supervisors of workhouses; these persons, however respectable they may be, are not, in his excellency's opinion, of the class of life to justify such confidence. Instances which have recently come before the public show that this is not a loose assertion; and the fact that the magistracy, where the spirit of the British constitution entrusts with the power of summary punishments, are chosen out of another class, confirms him in the sentiment"?—I think the whole of Lord Sligo's speech throws light upon the construction put upon this Act: I believe he mentions the whipping of females as being practised, and adds, that this power has been entrusted to the supervisors of houses of correction.

1072. A much more serious breach, not only of the spirit, but even of the letter of the law, has been committed under the supposed authority of the Act in question. His excellency alludes to the rule permitting the use of the whip upon women by the superintendents of tread-mills?—So he states; and this it is which has led to my examining this Act. I find, by the governor's speech, that the whipping of females and corporal punishment, to a great extent, had been inflicted at the discretion of colonial magistrates in houses of correction; whether this fact be true or otherwise I know not, but I find it stated upon the highest possible authority, the speech of the governor to the legislature of Jamaica. Now, in consequence of my having quoted this passage on a preceding occasion, I was distinctly asked whether I could point out, in any laws or regulations of the Jamaica legislature, any clause that authorized colonial justices to inflict any such punishment. At that time I had only examined those Acts that applied immediately to the apprenticeship system; but, on further examination, and looking into the Workhouse Act, I find a clause which, upon the fairest construction I can give it, confers that very power upon the magistrate which has been so seriously complained of by the governor.

1073. Mr. *Gladstone*.] What class of persons do you conceive Lord Sligo designates by supervisors; do you apprehend he means those termed visitors in this Act?—I should infer from the language of Lord Sligo's speech he meant the keepers, and that the magistrates who had this summary power had, in some degree, delegated it to the keepers, who are, in fact, their mere agents; but "supervisors" might be taken as the synonyme of "visitors;" for there is nothing that would warrant the keeper, of his own authority, in inflicting this punishment.

1074. If Lord Sligo meant the keeper, he was under a misapprehension?—Undoubtedly, of the law.

1075. The same remark will apply to the subsequent use of the term superintendent?—Yes, fully.

1076. It is your opinion, then, that this clause we have been discussing justifies the whipping of females in prisons in Jamaica, with this single exception, unless the law of the island forbade it, with reference to prisoners convicted of felony or sentenced to hard labour?—Just so.

1077. In that case, and as an inference from what you have already said, I conclude it is your opinion that this clause is in contravention of the 21st clause of the Abolition Act of Jamaica?—Of the whole spirit of the Act, and particularly of that clause.

1078. Which forbids the whipping of female apprentices?—Not the 21st clause.

1079. Yes, the 21st clause of the Jamaica Act?—Hardly; for it comes within the proviso.

1080. Is not that proviso copied from the 17th clause of the Imperial Act?—Yes.

1081. Consequently that case is included in the proviso of the Imperial Act?—Yes.

1082. Therefore

1082. Therefore your objection would rather lie against the original formation of the Imperial Act than as an objection against the legislature of Jamaica?—It will lie partly against the framing of the Imperial Act, but not wholly: it appears to lie against the clause of the Act in aid, by which the special justices are allowed to transfer their control over the apprentices to the colonial magistrates, by sending them to the house of correction. It will lie also against the principle of both Acts, for I consider it an indirect mode of re-establishing that particular kind of punishment which it was intended clearly by the British Legislature, and even originally by their own legislature, to abolish.

1083. I can see very plainly that your objection against the enactment may assume several forms, and be valid in all of them; but as to the illegality, how do you apply that expression having regard to the words of Lord Sligo?—I do not say it is illegal, I say it is contrary to the spirit of the Act of Emancipation; therefore my complaint would be rather against this Act of the Legislature against this statute, than against the infliction of the punishment under the statute.

1084. You are restrained from considering it illegal by the proviso in the 17th clause?—Yes, the effect of this clause in the statute should have been more closely considered by its framers; but at the same time it establishes the fact that female apprentices may (if female felons are liable to be so) be corrected indirectly for domestic offences in Jamaica.

1085. By domestic offences you mean offences against the discipline of the workhouse?—It is for a strictly domestic offence that the special magistrate sends them there; and then any colonial magistrate may, upon any offence against the rules of the house, order them to be flogged, on a complaint from the keeper, who is, in fact, their servant.

1086. Supposing the flogging to be inflicted in such a case for an alleged offence which is not a real offence against the rules of the prison, that is legal upon your own construction, because the magistrate cannot order a punishment that is illegal?—In examining these Acts I have always borne in mind the just jealousy with which every interference of the local magistrate in these matters was viewed by the British Legislature; and here they are invested with a power liable to the greatest abuse.

1087. Have you considered the specific form of remedy you would propose, and the limitation under which you would allow special justices to interfere in the management of the workhouses?—As it appears to me that those workhouses were erected, perhaps expressly, to enforce discipline and to confine apprentices in, I see no reason why the consent of the special magistrate should not have been required as to these punishments. I believe in some of the other Acts (I have not, however, looked through them purposely to ascertain that point, and I will not state it positively, but I believe in some of the other Acts,) a proviso of that kind has been introduced.

1088. Is it your opinion that that regulation would give adequate protection to the apprentices, so far forth as offences against the discipline of the prison are concerned?—It would give the same protection to the apprentices in the house of correction that they have upon the estate. I consider the protection given to the apprentices under the Jamaica Acts as entirely insufficient; but since it would be the same protection as on the estate, then it would be sufficient in the eye of the Jamaica legislature.

1089. Mr. *Buxton.*] Would you not think it necessary that the special magistrates should not only be empowered but compelled to visit the gaols in which those apprentices were confined?—Undoubtedly, they should be required to do so.

1090. Mr. *Gladstone.*] Directing your attention to the 1st clause of the Act, No. 7, does not it appear, from the language of that clause, that the term supervisor, and superintendent of the workhouses, is meant to designate, not the visiting magistrate, but the keeper?—By that clause there can be no question about it; but the words of Lord Sligo are, "You are reminded that the infliction of corporal punishment has been deputed to the supervisors and managers;" so that it appears the magistrates had transferred their powers illegally to their subordinates. It seems that the same thing had occurred at Barbadoes under a similar Act: it is so stated by Sir Lionel Smith.

1091. Supposing it to be true that the magistrates had deputed that power to the keepers, the law of Jamaica is not chargeable with that, as it does not entrust them with that power?—I should think not; the law of Jamaica is defective in many respects, but there is no power to do that.

John Jeremie, Esq.

3 May 1836.

1092. Mr. *Buxton.*] Does it make the matter at all better, that the power is given to the magistrates, and they have transferred it to the superintendents of tread-mills?—It shows that the Home Legislature were justified in looking with great jealousy to the whole of the proceedings of the colonial magistrates.

1093. Ought not the special magistrates to have a voice in the appointment of the master of the prison or workhouse?—I am of opinion that the supervisors, superintendents, or keepers should be appointed by the governor; but this has nothing to do with the Act. I find that the law of the island is different.

Then assuming the fact to have occurred, and that the magistrates have delegated their power to the superintendent, a construction might be put upon that clause of the Act which authorizes them to enact certain rules and regulations, by which they would, perhaps, have been warranted in so doing; but I consider such a construction would be very erroneous, and hardly a plausible one.

There is now another Act which I must take the liberty of drawing attention to. I do not find it in this collection, but I have seen it; it passed on the 4th of July 1834; in short, on that day a vast number of Acts seem to have been passed, having an indirect reference to the subject of apprenticeship; two in particular. One is intituled "An Act to enlarge the powers of justices in determining complaints between masters and servants, and between masters, apprentices, artificers, and others;" and another is intituled "An Act to register fire-arms, and to enforce the several laws relating to arms and gunpowder, and for the protection of property and person."

1094. Mr. *A. Johnstone.*] To continue for what space of time?—It is limited to 1840; here is a certified copy of it. The second is only to endure to the 31st of December, 1838. I beg leave to draw attention to the fourth section of this Act, and in doing so, must take the liberty of reminding the Committee, that though in the General Jamaica Act regulating the duties of apprentices, very fair enactments have been introduced with regard to task-work generally, yet it is defective in this, that no remedy is granted to the labourer for the infringement of any contract for additional labour, entered into with the manager; that the special justice has no authority in that case, and therefore the labourer is referred for his remedy to the ordinary courts of the country.

1095. Mr. *Gladstone.*] With reference to the 49th clause of the Jamaica Abolition Act, do we not find in that clause, that among the offences against the apprentice punishable by the special justice, are included imposing task-work on any apprenticed labourer, contrary to the provisions of this Act, or of breach of any contract on the part of any person engaging the voluntary services of any apprenticed labourer, or of any cruelty, injustice, or other wrong or injury done to, or inflicted upon any apprenticed labourer, by the person entitled to his or her services; does not it appear to you, under these latter very general words, that a breach of contract might be punished by the special justice?—Yes, it might be punished. I merely state that the apprentice has no civil remedy; the master might be fined 3*l.* to the Crown; but the wages will not be forthcoming to the apprentice.

1096. That is one portion of the objection you previously alleged against this clause, not only that the remedies were insufficient, but none of them went to give personal redress to the apprentice injured?—Yes; and it applies immediately to the Act to which I now object. I shall observe, that the three first sections of this Act distinctly exclude apprentices "within the meaning of the Emancipation Act;" but the fourth section, to which I beg leave to call attention, is so worded as to embrace the whole: here are the words of this section, "any servants in husbandry, or any mechanic, artificer, handicraftsman, labourers, persons employed in droggers, body, or house servants, or other person without exception, who shall contract with any person or persons whomsoever."

1097. Are not those words you have just read to the Committee, subject themselves to limitation from the first clause of the Act, which excepts all apprentices coming within the meaning of the Abolition Act?—I should infer not, and I should hope not; for if they have not a remedy under this Act, they have no remedy at all. The first section relates to apprentices not within the meaning of the Emancipation Act; but I conceive that this clause is so general, and the necessity for a clause of that kind is so apparent, from the fact of no remedy having been granted by the other Act, that it clearly extends to all persons whatever; and if it is made to extend to them, then the remedy is inadequate, for it places the apprentice again in the hands of the colonial magistrate. That is my objection to the

the Act: if it applies, the remedy is inadequate; if it does not apply, the apprentice has none, except by action in the colonial courts.

1098. Mr. *A. Johnstone.*] Are you of opinion it applies to the relation of master and apprentice?—Yes, that clause, I should think, applies to the relation of master and apprentice.

1099. Are you not rather of opinion it may be held to apply when an apprentice contracts with another to give any portion of his spare time?—It would undoubtedly apply to that case; but I conceive it also applies to the relation between manager and apprentice, where the apprentice engages to give extra labour; not as to the usual labour, but where he engages for extra wages to give additional labour beyond the stipulated period fixed by the Imperial Statute; and I beg to repeat that, if it does not apply to that, then the apprentice under the Act is left without any remedy whatever, except the usual remedy through the courts of law.

1100. Mr. *Gladstone.*] When you speak of remedy, you mean without any reimbursement?—I mean without any summary remedy. I now beg to proceed to the second Act, to which I have alluded, the Act said to relate to firearms, &c. It contains a section, No. 13, which seems to me to have no relation to the heading of the Act, certainly none to firearms. The 13th, 14th, and 15th sections run thus: "And whereas trespasses upon property by idle and mischievous persons have recently become frequent, and have in many cases been attended by acts of violence and intimidation, for the repression of which the laws now in force provide no sufficient remedy; and it is therefore expedient that more effectual and summary remedies should be provided: Be it therefore enacted, that if any person whatsoever shall commit any trespass by entering upon the premises of any private residence, or upon any land, without the leave of the proprietor, in search or pursuit of game, animals, or birds of any kind, or of anything whatsoever, such person shall, on being summarily convicted thereof before two justices of the peace, on proof on oath by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, forfeit and pay such sum of money not exceeding 10*l.* as to any two justices of the peace shall seem meet, together with the costs of the conviction, or be committed to the house of correction for a space not exceeding one month." The 14th is, "That where any person shall be trespassing on the premises of any private residence, or on any land in search or pursuit of anything whatsoever, it shall be lawful for the occupier of the premises or of the land, or servant of either of them, or for any person authorized by either of them, to require the person so trespassing forthwith to quit the premises or land whereon he shall be so trespassing, and also to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to tell his real name, or place of abode, or by giving such a general description of his place of abode as shall be illusory for the purpose of discovery, or by wilfully continuing or returning upon the premises or the land, it shall be lawful for the party so requiring as aforesaid, and also for any person acting by his order, and in his aid, to apprehend such offender, and to convey him or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace; and such offender (whether so apprehended or not) upon being summarily convicted of any such offence before two justices of the peace, at the instance of the owner or occupier of such premises or land, on proof on oath, by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay such sum of money not exceeding 20*l.* as to the convicting justices shall seem meet, together with expenses of process, or be committed to the house of correction for a space not exceeding three months." The 15th is, "That if any person being in the commission of a trespass, shall assault or obstruct any person occupying private premises, or land, or the servant of either of them, or any person authorized by either of them, such person on being convicted thereof before two justices of the peace, on proof on oath, by one or more credible witness or witnesses, or confession of the offence, or upon other legal evidence, shall forfeit and pay a sum not exceeding 100*l.* over and above any penalty which he may have incurred by contravening this Act, and in default of payment thereof at such time as to the said justices may seem fit, shall be imprisoned in the common gaol or house of correction (with or without hard labour) for a period not exceeding three months." Now when it is recollected that on numberless estates in Jamaica there are perhaps 100 or 200 apprentices located, that those apprentices very often have their wives and children on a neighbouring plantation, and that either of those persons coming upon the estate for any lawful object, are subject to these

John Jeremie, Esq.

3 May 1836.

enormous penalties, it amounts to a severance of these ties between them as effectually as legislation can separate them. Pray observe the very general terms of these enactments: "Any person" whomsoever entering upon "any land, in search or pursuit of anything whatever," without the leave of the owner, may, without any previous notice, be convicted of a trespass, and fined to any extent not exceeding 10*l.*, or imprisoned for any time not exceeding one month. Then, by the 14th section, the occupier or his servant, or any person authorized even by the servant for that purpose, may (without producing any written authority) order any such trespasser to quit the premises, and tell his name; and if he refuses altogether, or states his place of abode too generally, or wilfully continues on or returns to the premises of the person so requiring his address, "he, or any person acting by his order, and in his aid, may apprehend such offender and convey him, or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace," (not even the nearest) and on conviction before such justices, the party shall pay a sum of money not exceeding 20*l.*, or be committed to the house of correction for a space not exceeding three months. And, by section 15, the trespasser, if he assaults or obstructs the apprehender (or obstructs simply) without any evidence of his authority, is, on conviction, liable to the penalty as a trespasser, and also to a farther penalty not exceeding 100*l.*, or imprisonment not exceeding three months. Not to dwell upon the unwarrantable severity of such penalties, even in cases of actual guilt, it cannot surely be intended that persons visiting estates on errands of friendship, or mercy, or at reasonable times, or under a reasonable supposition of having a right to be there, should be exposed to such proceedings.

1101. *Chairman.*] Would anybody who came on the property of another be subject to these penalties without the intention of committing a trespass?—On any land.

1102. Not on a public footway or road; if a negro passing from one estate to another kept the footway, he would not be subject to these penalties?—No, not if it is a public road; but if it is the road of the estate he would.

1103. Mr. *Buxton.*] If he visits the house that is upon the property?—Yes; if he visits his wife, or a clergyman, visiting for instruction; and I cannot do better than quote the words of Lord Glenelg upon the Act of the Legislature of Tortola, page 133: "The 12th and 13th sections of the Act, No. 88, forbid the apprentice to receive any person in his own hut, if within the employer's estate, except with the employer's consent, the case of a husband or wife being excepted only, if the applicant for the indulgence be of good character, and if the request for conjugal society be preferred in a proper manner, and even then the parties are to meet at the home of the apprentice only at proper times, and as long as they shall conduct themselves in a proper manner. There is an uncertainty and harshness in these rules which I forbear to dwell upon, since their illegality is a still more conclusive objection to them. The apprentice is the tenant at will of the hut he occupies, paying rent in the form of services, and entitled to admit into his home whatever person he shall think proper, provided that his guests or inmates do not infringe the police regulations of the colony, or the good discipline of the plantation. To debar husbands and wives of each other's society, or even, in the present state of West Indian manners, to forbid an apprenticed labourer to receive his concubine under his roof, is an invasion of the rights of the apprentice, for which no compensation could be found in any consequent increase of good order, or of good morals." Now this merely applies to one case, whereas the Jamaica Act applies to any case, even that of a clergyman.

1104. Mr. *Gladstone.*] Is it your opinion then, under the clauses 13, 14, and 15 of the Jamaica Act to which you have referred, that an apprentice, for example, visiting his wife on a neighbouring estate, would be liable to punishment for trespass?—He would be liable to be warned off; and if he did not go, he would be liable to punishment.

1105. The 13th section enacts a liability independent of previous warning?—Yes.

1106. The liability is to punishment for whatever may be judged to fall within the term trespass?—Yes.

1107. Do you consider that within the legal meaning of the term trespass, would be included such a visit as I have described?—According to the wording of this Act it would; but nothing at home would be a trespass, if the object was proved to be lawful.

1108. If the party thus trespassing was guilty of an offence, do you consider it would

would be cognizable by the special justice, or any justice of the peace?—By any two justices of the peace.

1109. Applying to any person, will not it be liable to the regulations of the Act, which provides that the offence shall be taken cognizance of by the special justices?—Not as to the complaint between the apprentice and another person; here it would be the apprentice visiting his wife upon another estate.

1110. On that account you think the offence would be cognizable before the general justices?—Yes.

1111. You used the expression, "An Act purporting to relate to arms;" do you not think the title is sufficiently large to embrace all the clauses contained in it?—Yes, but not very distinctly.

1112. Mr. *A. Johnstone.*] Do you hold that a clergyman visiting an apprentice upon a plantation, without the leave of the owner, would come within the scope of the Act?—Beyond all doubt or question; there is a specific Act to that effect.

1113. Mr. *Gladstone.*] What inference do you draw from the circumstance that appears clear, that the 13th section first enacted liability to punishment for trespass, without warning, and the 14th clearly enacts a liability only subsequent to warning?—The first was intended to be as general as possible and reach all possible cases.

1114. Does not the 13th clause, *à fortiori*, comprehend the 14th?—There is a difference in the penalty, and then the right of seizing and conveying in this summary way should be applied only, according to the British statute, to "suspected persons and reputed thieves;" but here it extends to any one, and the persons are to be taken to any justice, and finable even to the amount of 100*l.*, or three months' hard labour.

1115. The interest of both parties would concur generally in referring to the nearest justice?—Yes, certainly; but if it is maliciously or vexatiously applied it may be otherwise.

1116. Mr. *A. Johnstone.*] It is in the power of the person so apprehending to conduct the person so apprehended to a justice at the other end of the island?—Perhaps so; certainly they may choose any justice who happens to be in the neighbourhood.

1117. Mr. *Gladstone.*] Would there be any remedy under the general law of the island for an act so unfair, by apprehending a man at one end of the island and conveying him to the other end?—I should think that any act absolutely malicious will find a remedy in the law of every country.

1118. Anything in itself so preposterously unreasonable as that, being at the same time hurtful to another, would be considered malicious?—I should think so.

1119. Besides that, is not the jurisdiction of each magistrate limited by the commission to the parish in which he resides?—I have not seen the commission; probably it is to the county, and perhaps to the parish: it seems it is so.

1120. Mr. *A. Johnstone.*] But in such a case as I have put, an individual coming upon the plantation, without the leave of the owner, might be put to great hardship and trouble and expense in obtaining a remedy for any malicious abuse of the Act I have alluded to?—Every apprentice would be without a remedy almost; he would not have the means of enforcing it. If the word trespass was there alone, it would exclude an immense number of occasions; but mark the very general terms that succeed; they say, "in pursuit of anything whatever;" they say, "any trespass by entering;" so that the entering upon the premises is a trespass under this Act, "in pursuit of anything whatsoever." These are all the objections I have to make to the enactments of the Jamaica legislature.

1121. Mr. *Buxton.*] Be pleased to give to the Committee a summary of what you consider the most substantial objections which exist against the Jamaica Act?—The apprentice in Jamaica may be worked by day in the field, by night in the boiling-house, for 45 hours in succession, excepting the short time allowed by day for meals, when employed in the field; may be mulcted to the full amount of his time for the benefit of his employer, though no prejudice may have been suffered by the latter, and flogged on making a complaint. He can recover nothing from his employer, by any available remedy, nor has any protection against complaints, however frivolous. He has a day to himself, during which he may be imprisoned by an estate-constable under the control of the manager. If wages are promised him for extra work, if task-work contracts are violated, he has no available remedy. He can be apprehended at pleasure by any man he meets, who is rewarded for doing so. His wife, his sister, his daughter, may be sent to the tread-mill at the

John Jeremie, Esq.

3 May 1836.

discretion of a special magistrate, for any length of time, and for any offence; and there they fall under the control of the colonial magistrate, who may order them all, men, women, and children, to be flogged at his discretion, for any breach of the workhouse discipline. His provisions, food, clothing, he may be deprived of, and is without any remedy which is not illusory for an indemnification. He cannot proceed beyond the limits of the plantation, except in a few stipulated cases, without a pass from his employer, except under a liability to be arrested and taken before a magistrate. The pregnant wife, the nursing mother, are unprovided with even nominal additional protection. His children born free for the last eight years, with those born free the next four years, may be subjected to this treatment for 21 years. Supposing him to have committed no possible offence, to have laboured as industriously in his own time, with the view of improving his condition, as in his manager's in performance of his duty, still must he labour on throughout the period assigned, or purchase off the remaining term, at a price to be affixed by colonial magistrates. Subject principally to these liabilities he is free.

1122. *Chairman.*] You intend that the statement you have just put in is the state of things to which the negro may, by possibility, under the present law, be subjected to, rather than as a direct representation of what is actually the state of the negro?—I put it merely as my opinion of what he may be subjected to under these Acts, but not as an express representation of his actual condition, which I am utterly ignorant of; and I beg leave to state that this is not only my own opinion, but those of the friends, Messrs. Beldam and Matthews, who have gone through the whole of this inquiry with me.

Joseph Beldam, Esq., called in; and further Examined.

Joseph Beldam, Esq.

1123. *Chairman.*] YOU have been present during Mr. Jeremie's examination, are you desirous of adding anything to what you have yourself before stated to the Committee upon the subject of the Jamaica Acts?—I have one or two observations to make. I state that I concur in the legal objections that have already been taken by Mr. Jeremie, as will appear on reference to the analysis I have already put in to the Committee. There are some minor, and what, perhaps, may be considered technical objections stated in that analysis, to which my friend, Mr Jeremie, has not thought it necessary to refer; neither shall I think it necessary now, because the analysis itself is already before the Committee. I should, however, beg to recal the attention of the Committee to the several replies that were made by me to questions put on the first day; I refer more particularly to the question put to me by Sir George Grey as to the power of the agent with regard to compulsory manumission. I had taken this objection, that there was an omission in all the Jamaica Acts of several classes of owners, from whom the apprentice had not the power to claim a compulsory manumission in the manner intended by the Imperial Act. Among those classes I stated the class of absentees; and I confess I stated that class rather more generally than I ought to have done, having taken that objection somewhat too generally; my attention was called suddenly to the ninth clause of the Jamaica Act, and to the general words in that clause, giving to the agent, in the case of certain absentees, the powers therein mentioned. I was asked whether I thought that the power therein given to the agent was sufficient to enable him to act in cases of compulsory manumission. I was then diverted, to a certain extent, from the object I had in view; and I gave some answers with respect to the power of an agent, which I feel no disposition to retract, so far as English law upon the subject is concerned, because I am certain it is the policy of the English law to limit the power of agents generally for the benefit of the proprietor; and I was convinced that so far to extend that clause, unless the sense made it necessary, was only to let in a provision indirectly, which I thought ought to have been expressly made by the Act in favour of the apprentices. However, upon looking to that clause again, I find it was unnecessary for me to consider what are the general powers of agents, because where there are representatives or agents in the colony, the clause itself is quite sufficient to invest them with the power requisite for that purpose; but my objection still holds with reference to a considerable number of persons (I should suppose a numerous class, having property in the colonies), I mean absentees, who are unrepresented; those who have small properties in the colonies probably leave no agents at all, at least those whose property consists chiefly of domestic apprentices; it is not for the

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mere purpose of providing for the rights of manumission that such persons, if they left the colony, would be likely to invest a person expressly with the power of an agent.

1124. Mr. *Gladstone.*] How is it possible that an absentee proprietor can derive any advantage whatever from the possession of apprentices, unless he has some agent resident there?—I am not stating that he would derive any benefit from it; I believe there may be many individual cases in which no benefit would be derived from it; but it is sufficient for me to take the objection that there may be individuals so situated (and there may likewise be persons whose owners are not known, but that is beside the present point); there may be persons absent from the colony, having left no agent behind to represent them.

1125. Do you conceive that a probable case?—Yes (not that I am personally acquainted with the West Indies), but I conceive it probable where a proprietor has very few negroes, and those negroes domestics, and unattached to any property.

1126. If he was an absentee from the colony, and had no agent there, would it not be abandoning his property?—Suppose it were, that would not relieve the apprentice. I am insisting upon a special provision for his benefit, and I am authorised to do so by reference to other provisions made in other colonies under the direction of the Government at home. There are other cases of absentees who may not be so represented in the colony; as, for instance, the agency may be revoked by the death of the party who makes it, or it may never be fully accredited, or there may be cases of dispute as to who is agent, or the agent himself may be for a time absent; there may, in short, be many cases in which the proprietor of those negroes is not represented by any individual in the colony, and it was with respect to such cases as these I wished to press upon the attention of the Committee the necessity of some express provision. Now that I was authorised so to do, the Committee will be of opinion when I refer them to Mr. Stanley's despatch, which appears in page 4 of the Parliamentary Papers; for, if I understand it correctly, among the few objections that Mr. Stanley thought fit to take to this enactment, he has taken the one in question; the 9th and following clauses of the Jamaica Act, which purport to carry into operation the intention of the Imperial Act, do not effect it to its full extent; for although they provide for cases where the party is able to consent, they do not provide for the very frequent cases in which the party is unable, either by reason of mental incapacity, absence, or any other cause. Mr. Stanley himself takes this very objection that I now take as one of the cases that are not adequately provided for, though, to a certain extent, a provision has certainly been made. I support my objection, likewise, by a reference to the Trinidad Order of Council, cap. 8, section 5, page 450, where it will be found that an express provision is made for such cases. By that order, if I mistake not, the chief civil judge is the person appointed; it runs thus: "Or if the employer or any other person having a charge upon, or interest in, any such apprenticed labourer, shall be a minor or a married woman, or idiot, or lunatic, or if the real employer of any such apprenticed labourer shall be absent from the said colony, or shall not be known, or if any suit or action shall be depending in any court of justice in the said colony wherein the right to the service of such apprenticed labourer shall, or may be, in controversy;" a case not provided for here, and which, therefore, I ought to have taken; "or if the employer of any such apprenticed labourer shall demand," and so forth, more than the just value then, by section 6, the chief civil judge of the colony is authorised to do that which, if there had been an agent or a proprietor present, it would have been his duty to do. I wish to call the attention of the Committee to the fact, that there is an express provision made in that order which would apply to the cases I have already stated to be omitted in the Jamaica Acts.

1127. Mr. *Gladstone.*] Would the objection you have urged apply to any case except there has been, on the part of the proprietor, a virtual abandonment of the property?—It would apply to all cases where there was no agent, or a disputed agency; in such cases there should be some officer in the colony to whom the apprentice might refer, without that delay which is a grievance of itself, and which must occur in finding out the agent of absent parties.

1128. Supposing the owner incapable, or a lunatic, is it not the fact that, under the general law of the island, an agent will be provided in those cases?—My

Joseph Beldam, Esq.

3 May 1836.

objection applies to absentees, and there is no law to appoint an agent to an absentee.

1129. Is it not quite clear that all absentees who have property, and are capable, will appoint agents, and do appoint agents?—In many cases I should think not.

1130. In those cases will not there be a virtual abandonment of the property?—I apprehend not; I have stated that the agency may be revoked by the death of the party who makes it, and some time must elapse before that fact is communicated, and before the new agency goes out, and in the meantime the apprentice is deprived of his right.

1131. Do you apprehend that a man, the agent of *A*, is not the agent of *A*.'s heir until otherwise constituted?—I find it to be a principle of the English law, and not disputed, that the death of a party creating an agency is, *ipso facto*, a revocation of the agency.

1132. I ask you as to the colonial law, and not the English law?—I am not prepared to state the exceptions of colonial law.

1133. If you are not aware whether an agent still continues the agent, you are not aware whether the objection has any relevancy?—I submit to the Committee the pertinency of the objection that I have taken.

1134. Then you submit to the Committee the pertinency of an objection founded upon English law, without knowing whether the colonial law is analogous?—I take the objection upon the English law.

1135. Do you consider that sufficient without making further inquiry into the colonial law?—If any important rights of property depended upon it, I should have made further inquiry.

1136. But surely these rights are extremely important; and in the case before us the whole question depends upon the fact, whether an agency in Jamaica coincides with an agency in England?—On the first day of the Committee meeting, I stated I was not acquainted with the peculiarities of West India agency; but conceiving that the general principles of law applied to the colonies, I felt myself authorized to refer to that particular class of absentees as coming within a class that appears to be unrepresented, and with respect to which no adequate provision has been made.

1137. Mr. *Buxton*.] I understand your statement to be, that you know that the power of the agent ceases in England at the death of the party granting it; and that you infer such is the rule in the West Indies, because it seems to be the rule of common sense as well as English law?—Yes; I conceive it to be absolutely a personal power, it is so treated in the books upon English law.

1138. Would it not be very easy, if you are in error upon this point, for the express colonial statute to be pointed out that makes a difference between the law of the colony and the law of England?—I should say that the colonial statute is the exception, and it is sufficient for me to refer to the general law of the empire; but I have just learned, on sufficient authority, that no such exception exists in the law of Jamaica.

1139. Mr. *Gladstone*.] You have supposed a case in which a power of attorney shall determine, in consequence of the death of the grantor of the power. Understanding it to be the general practice in Jamaica, under such circumstances, that the person named in the power usually applies for letters of administration, by which he is still continued as the legal agent of the estate, does not it appear that in case he decline so to apply, he loses his agency, and with it the profits of his agency?—That inference may be fairly drawn; and to this extent it appears to me that the inference applies to what I have stated. It lessens the extent of the omission, but does not dispose of it. It appears, however, from information I have just received, that in such case the apprentice could not compel the agent to act, which is one of the cases I complain of.

1140. Are you of opinion that, so far as regards any avoidance of the agency, it remains a probable case, or one worth taking into consideration?—I am of opinion that every probability ought to be taken into consideration; and there ought not to be any case where an apprentice, with the money in his hand, should go unredressed.

1141. Do you think this is worthy of the name of a probability, so far as depends upon the termination of the agency by the demise of the grantor?—Yes, that

that is one of the cases certainly; and there are others. But if that had been the only case, I should have felt it my duty to have noticed it.

1142. Will you specify the other cases?—Another case has been where the agent was not properly accredited, or there might be a dispute about his right to act as an agent.

1143. At all events, would it not appear wherever the receipts of the property are made available, and wherever the machinery of the property is in action; there must be an accredited person, and, by consequence, a person capable of discharging the apprentice?—If there is an accredited agent, he must be able to perform the duty of an agent.

1144. Supposing there is no accredited agent, is there any person entitled to exact from the apprentice his services?—If there be no person to represent the proprietor, no other person has a right to interfere.

1145. Consequently, does not the apprentice become a free man, independently of the machinery of manumission?—So long as there is no person to represent the proprietor, it may be so; but I am supposing an interval of time, during which the apprentice is not able to exercise his right of manumission.

1146. During such an interval, be it probable or not probable, he remains a free man, there being no person to exact his services; and when that person comes into existence, does not his right arise, and the regular mode be pursued?—The regular mode may be pursued when the agent appears; but that is no compensation for the loss of the right during the interval.

1147. Does not it appear that, during the period the right is thus in abeyance, the apprentice must be, in the eye of the law, practically free?—Certainly not in the eye of the law, nor practically free; for, in the first instance, it is scarcely probable that the apprentice will know the secrets of the estate, or know when the agency is revoked; and if he were aware of that fact, there would be a sufficient force upon the estate to prevent him taking any advantage of it.

1148. You have said that the apprentice would probably not be aware when the agency was revoked, or in abeyance; would not the apprentice taking the first step on his own behalf under the regulation in the Act, arrive at a knowledge of the fact whether there was an accredited agent or not?—He might or might not know; a special justice might not know the fact; but I do not think that such arguments, if I may be permitted to use the expression, at all dispose of the objection where there is a possibility of his being deprived of his right.

1149. Does not it appear from the clause, that an apprentice wishing to be manumitted, is to apply to the nearest special justice, and that that special justice is to give notice to the person entitled to his service, or the agent; does not it appear therefore the special justice must know whether there is such an accredited person; and if there is such an accredited agent to exact the service, is there not such an agent upon whom the law may be put in motion?—Yes, but a great deal of time may be lost in the inquiry, and that is the evil.

1150. Do you think a great deal of time can be lost in the ascertaining whether there is an agent or not?—I am not supposing the case of a large estate; but there are cases where there are proprietors who are possessed of very few negroes, not more than one or two, perhaps; in Barbadoes especially that is the case, and probably it is the same in Jamaica; it is to that class of cases that the objection more particularly applies; there the special justice may be long in making the inquiries, and after all he may be unable to find out the agent, and during the whole of this period the apprentice is deprived of the exercise of that right which the Imperial Act intended to bestow upon him.

1151. My question was occasioned by your having said, that you supposed the combination of other parties to prevent an apprentice knowing whether there was an agent?—I beg pardon, I have not alluded to any combination; I said a sufficient force, by which I meant, that the ordinary routine of business would compel a man to work, just as though the agency had been in existence.

1152. You again suppose the case of a property where an agent was employed, and we were supposing a case where there was no agent, and few persons employed?—I was replying to the question put to me, and shaped my answer to it, but my original observation referred to properties where there were very few apprentices.

1153. Do you apprehend where there is no property at all, that the apprentice may remain in ignorance whether there is a person entitled to his service?—It is

Joseph Beldam, Esq. 3 May 1836.

impossible for me to say, but I imagine it is a question that might be solved before any very long period has elapsed, provided facilities were afforded to the apprentice to make inquiries. Will the Committee allow me now to put in my analysis of the other Jamaica Acts, upon which the Committee have been taking evidence to-day?

[*The Witness delivered in the same.—Vide* Appendix.]

Veneris, 6° die Maii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Charles Lushington.
Mr. Fowell Buxton.	Mr. William Gladstone.
Mr. Andrew Johnston.	Mr. Thornely.
Sir Stratford Canning.	Sir George Grey.

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq., called in; and further Examined.

John Jeremie, Esq. 6 May 1836.

1154. *Chairman.*] BEFORE the Committee proceed to the other Acts, is there anything you wish to add to what you have stated in regard to the Jamaica Acts?—There is an objection I have noticed, but I omitted to point out the sections of the Act referred to. It regards the right of all persons to apprehend runaways, though they are neither constables nor members of the police; this inference I draw from the Act, No. 7, page 301, of the Parliamentary Papers, the sections are the 2d and the 4th; the 2d section runs thus, "And be it further enacted that every constable, or other person, the permanent police excepted, who shall apprehend a runaway apprentice, knowing him or her to be such, shall be entitled to receive from his or her master, employer, or manager, the sum of 10*s.*, besides mile-money, at the rate of 6*d.* per mile, and no more." It is therefore clear that the permanent police and every constable or other person, knowing an apprentice to be a runaway, has a right to arrest him, and is remunerated with 10*s.*; and if the 4th section of the Act be looked into, it will be seen that the permanent police have in effect a right to arrest a negro, though they do not know the manager; and when therefore they cannot know whether he is an apprentice or not, still less a runaway. "And be it further enacted, that every supervisor or superintendent of a workhouse or house of correction in this island shall, once in every week for four successive weeks, advertise in the Royal and St. Jago Gazettes and Cornwall Chronicle the names and sex of each and every runaway apprentice in custody, and the names of the masters, employers, or managers, if known, under a penalty," and so on. Now taking these two clauses in conjunction, as it is clear constables or other persons are only authorized to receive a remuneration on apprehending runaway apprentices, knowing them to be such, and as there must be some authority empowered to arrest apprentices, though the managers be not known, I take it that the permanent police has that right, and therefore an apprentice is in this position, that he is liable to be arrested at any time by the permanent police; and if any "other person," though not a policeman or constable, considers him a runaway, he also may arrest him, and may be remunerated to the amount of 10*s.*

1155. Mr. *Gladstone.*] Would you say that the apprentice was liable to be arrested at any time by a permanent policeman?—If the policeman has a suspicion of his being a runaway, though he should not know the name of the master or manager.

1156. Is he more exposed to that under this law than he would be independently of this law, or is it not in such a case the general system that he would be punished in the same way as any other subject?—If the apprenticeship did not exist there would be no ground for punishing him as an apprentice.

1157. Have the goodness to state the precise objection you bring against those sections?—My objection is, first, that "any person" has a right to apprehend a runaway apprentice, knowing him to be such.

1158. Mr. *Thornely.*] It allows any person, knowing him or her to be a runaway apprentice, to arrest the individual?—Yes, though he has no public authority, though he is not invested with any public character; it is recurring to the old Colonial principle, that, as regarded slaves, every man was a constable.

1159. Mr.

1159. Mr. *Gladstone.*] Supposing a constable or other person should apprehend a person as a runaway apprentice who was proved not to be such, or he should be proved not to have sufficient grounds for supposing him to be such, the apprentice would have his remedy, as he would against any other person committing injustice towards him, be that remedy what it might?—He would have his remedy, but my objection is to the making every one a constable as against apprentices.

1160. Taking the apprehension of runaway apprentices to be the object, do you think it necessarily implies a violation of the principle of the Act of the British Legislature, considering the extremely small proportion which the white and entirely free population bears to the great mass of apprentices?—I do most certainly.

1161. Mr. *Buxton.*] You consider that except as to the time guaranteed to the masters, the apprentices are to have all the rights and privileges of freemen?—Exactly; and above all, are to be protected against the arbitrary interference of a perfect stranger to them: the special magistrates, the manager, the constables, and all the police appear to be quite sufficient to maintain the peace and tranquillity of the country, and to maintain order and discipline on estates, without authorizing every man to lay his hands on an apprentice.

1162. Mr. *Gladstone.*] Considering the great extent of Jamaica, the small number of the police, the quantity of unoccupied ground, and the habit of absenting themselves, as far as it has prevailed, do you not think any means are necessary for the purpose of preventing the recurrence of that practice?—I do not think such means are requisite, though I consider that may be a sufficient ground for establishing a numerous police.

1163. You consider that the remedy of the apprentice is a very imperfect one; if instead of that you considered it a very summary and perfect one, should you consider this an objectionable enactment, that he might be arrested by any person on the ground that he was a runaway apprentice?—I would not entertain the strong objection I do now, but still I would entertain an objection of the same kind.

1164. Mr. *Buxton.*] Would not you entertain the strongest objection in principle to allowing any law to be established in Jamaica affecting the apprentices in their own time, and distinguishing the deeds of apprentices from the deeds of white men under similar circumstances?—In principle, I undoubtedly would; the principle would be always erroneous; the objection practically would be in a great measure removed if I saw that the apprentice had a satisfactory remedy; but still in principle it would always lie; but even as to the remedy, this objection I am now taking strongly illustrates another which I have made before, as to the want of reciprocity; the power of a magistrate as regards an apprentice extends by the general Jamaica Act to offences committed by him against the manager, "or any other person;" but the 49th clause, which does give him a remedy, though an inadequate one, against the manager, does not extend to "any other person;" so that "another person" offending against the apprentice, a stranger apprehending him under this clause is not even liable to the 5*l.* penalty under the 49th clause of the Jamaica Act.

1165. He is liable to an action?—Yes, and that is all.

1166. You were asked, in a previous part of your examination, whether you saw any practicable means for affording a remedy to the apprentice, and you suggested that the special magistrates might hold special sessions, and at those special sessions try a higher class of offences than they can now do singly; does any alteration of the powers of the special magistrate suggest itself to your mind, by which the apprentice might proceed against his master for wrongs done to him in the character of an apprentice?—No; I should feel great delicacy in entrusting a special magistrate with a power of that kind, but yet there should be a reciprocity; either he should have a remedy against other persons, or they should have none against him. I should prefer neither party having a remedy against each other before the special magistrate, except the manager on the one hand and the apprentice on the other.

1167. Of the two alternatives, that neither should have a remedy against each other, or that both should have a remedy against each other, is not the latter the preferable one?—No, I think not.

1168. Would not that leave offences likely constantly to arise without any remedy?—I would give a summary remedy; I would put the apprentice, for all things not immediately arising from his situation of an apprentice, on the same footing as all other parties whatever; and I would give the general magistrate

John Jeremie, Esq.
6 May 1836.

a summary remedy in cases of assault, and so forth; but then again, with regard to persons who are managers of apprentices, I see very great danger likely to arise also if you give the general magistrate jurisdiction over them, either as regards their offences towards apprentices, or the offences of the apprentices towards them.

1169. Are you aware whether the general magistrates have such jurisdiction as you have adverted to at present?—I do not know; but I conceive there must be a summary jurisdiction in reference to assaults in all countries.

1170. Mr. *Johnston.*] Have you any remarks on the fourth section?—No; except that it shows how the old practice of arresting persons, when they cannot be known to be runaways, is sanctioned by this Act, so that both the old abuses are directly sanctioned; first, the making every man a constable, and next, the arresting a negro though not known to be an apprentice.

1171. Mr. *Gladstone.*] May not a person know that such a man is an apprentice, though he does not know who is his manager?—I should think that was not probable; it is a power very open to abuse.

1172. Are not all cases which proceed on indirect evidence open to abuse more than those which proceed on direct evidence?— Not to the extent which attaches to this.

Joseph Beldam, Esq., called in; and further Examined.

Joseph Beldam, Esq.

1173. *Chairman.*] HAVE you any addition to make to the evidence you have already given?—I had intended to make various observations on the different clauses in the three Jamaica Acts, but as I shall be followed by another gentleman so well informed upon this subject, I shall confine myself simply to remarking upon the 16th section of the first Jamaica Act, as it refers to the 11th section of the Imperial Act. That part of the Imperial Act to which I refer is as follows: "And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be and are and is hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as by any law now in force in the colony to which such apprenticed labourer may belong, an owner is required to supply to and for any slave being of the same age and sex as any such apprenticed labourer shall be." The Imperial Act is a British law, and requires therefore to be construed according to the ordinary method in which British laws are construed. It appears to me that the word "law" here is used designedly, and for the express purpose of letting in the generic sense of that term; if the Imperial Act had intended merely a single colonial Act or ordinance, it would have used the words "Colonial Act" or "Colonial Ordinance;" but the word "law" having been employed, it must be understood to import whatever rules or regulations, or customs of an immemorial and reasonable character have existed in the colony. The word "law" in British Acts of Parliament, so far as I understand the meaning of that word, when used without qualification, is to be taken in its generic sense, and I think it will be found that that word is so employed here, and not for the purpose of designating merely some particular Act or ordinance; besides which, a custom is expressly designated in books of English law by the term "law," and therefore a reasonable and immemorial custom must be understood to be included in the very expression employed by the Imperial Act. I need not encumber the Committee with authorities to prove this, they are so numerous that it would be a waste of time to dwell upon them. It will be found in "Comyn's Digest," under the title "Custom;" and likewise in 5th "Term Reports," p. 470, in a case decided by Lord Mansfield and Mr. Justice Buller, (persons of great authority in the courts of law) that a custom is expressly designated *lex loci.* I shall not further trespass upon the attention of the Committee, for it appears to me to be a point so well known that it needs no further proof.

1174. Mr. *Buxton.*] You mean to infer that all those allowances which had been given by long and immemorial usage, are to be continued to the slaves as part of the law of the land?—I mean that all immemorial and reasonable customs are to be continued as a part of the law of the land; there are cases in the English law to show that it is not at all necessary that they should be certain. In point of fact customs are seldom absolutely so; copyhold fines (and the connexion between the lord and the vassal presents the nearest analogy to this case) are left, to a certain extent, to the option of the lord or the steward; it is true that in such cases the maximum

maximum is fixed; here it would be requisite that the minimum should be fixed; but the principle is the same in both cases, namely, that it should be a reasonable fine or custom; and the reasonableness is to be decided in all cases before a competent tribunal. *Joseph Beldam*, Esq. 6 May 1836.

1175. Do you concur in opinion with Mr. Jeremie in the various objections which he has, in the course of this inquiry, made to the Jamaica laws?—I do concur in every one of the objections which have been made by Mr. Jeremie, though, perhaps, my mode of explaining those objections might have been somewhat different from his; I have, however, so comprehensively, although succinctly, stated my opinions on those different points of objection, in the analysis already laid before this Committee, that it will be unnecessary for me to dwell more at large upon them in my *vivâ voce* examination.

Richard Matthews, Esq., called in; and Examined.

1176. Mr. *Buxton*.] YOU are a barrister-at-law?—I am. *R. Matthews*, Esq.

1177. Do you concur in opinion with Mr. Jeremie in the various objections he took to the Jamaica laws in the course of this inquiry?—I do; and as I have the honour of being associated with him and my friend Mr. Beldam in looking into those laws, and preparing the materials for the Analysis of the Papers on this subject which has been put in, I think it right also to tender to the Committee a short summary, stating generally the objections taken, and also my concurrence as to those points, It appeared to me to be quite unnecessary to go over the same ground again, which will be a great waste of time, and that a summary statement of those points, and my concurrence in them, would both save the time of the Committee and equally answer the purpose. If the Committee wish to ask me any questions upon this subject, I shall be perfectly ready to answer those questions.

[*The same was delivered in, and read as follows*:]

R. Matthews, Esq.

6 May 1836.

"Having assisted in the examination of the Imperial and Jamaica Abolition Acts, which gave rise to the analysis of Mr. Beldam, and to the observations of Mr. Jeremie, already laid before the Committee, though I deem it unnecessary to tender separately and in detail, observations which would be little else than a repetition of theirs, I think it right to say, that I fully concur in the views they have taken, and, leaving points of less moment, particularly in regard to the following matters:

1st. To the want of reciprocity in the fines and penalties imposed respectively upon the master and the apprentice, their inadequacy when inflicted upon the former, and their strangely constrasted appropriation as to both; those imposed upon the master being awarded to the use of the public, and those imposed upon the apprentice being awarded to the use of the master.

2d. The impunity with which the apprentices may be deprived of large portions of their own time under colour of law—1st Jam. Act ss. 22–26.

3d. The want of proper regulations "for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance, and such other maintenance and allowances," as they are by the Imperial Act declared entitled to receive, "and for regulating the amount and quality of all such articles;" all which regulations the Imperial Act declares to be "necessary," s. 16. The *equitable* construction of this clause has been principally insisted upon by Mr. Jeremie in his evidence, but on referring to the Imperial Act, it will appear that the word *law* has been designedly employed in order to include the case now in dispute; for otherwise the words "Colonial Act," or "Statute," would have been introduced instead. The word *law*, in my opinion, must be understood in its *generic* sense, in which sense alone it is commonly employed in Acts of Parliament. And there can be no doubt but that reasonable and immemorial customs are designated and known by the word "*law*." They are, in fact, called "*leges locorum*."

4th. The unjust mode of appraisement adopted by the Jamaica Act (ss. 7–12) by which the compulsory manumission clause of the Imperial Act (s. 8) is rendered in a very great degree nugatory.

The following table of the average value in sterling money of slaves in each colony, during eight years from 1822 to 1830, issued by the Commissioners of Compensation July 7th, 1835, may be compared with the value set upon the *residue of the apprenticeship term* since the 1st August 1834:

	£.	s.	d.
Bermuda	27	4	11 ¾
Bahamas	29	18	9 ¾
Jamaica	44	15	2 ¼
Honduras	120	4	7 ½
Virgin Islands	31	16	1 ¾
Antigua	32	12	10 ½
Montserrat	26	17	10 ¾
Nevis	39	3	11 ¾
St. Kitts	36	6	10 ¼
Dominica	43	8	7 ½
Barbadoes	47	1	3 ½
Grenada	59	6	—
St. Vincent	58	5	8
Tobago	45	12	— ½
St. Lucia	56	18	7
Trinidad	105	4	5 ¼
British Guiana	114	11	5 ¾
Cape of Good Hope	73	9	11
Mauritius	69	14	3

5th. The continuous labour to which prædial apprentices may be subjected, and the total want of any enactment to secure to them the enjoyment of any number of consecutive hours of rest daily.

6th. The summary power of imprisonment given to estate constables, acting under the direction of the master or manager, and which may continue for an indefinite period, *Jam. Act*, s. 39, and also by other persons of arrest under Act No. 7, ss. 2 and 4. See Parliamentary Papers, Part II. p. 301.

7th. The severe corporal punishment for comparatively trifling offences, as 39 stripes for "indolence" (s. 29); fifty stripes, or three months' hard labour in the house of correction, or in the penal gang, for simply "endangering" property, even though it be his own, by the mere "careless" use of fire, and that though no injury actually occur. On the other hand, the only remedy practically within reach of the apprentice for injury done to his person or property by his *employer*, as for shooting or otherwise destroying his hogs and poultry, is a fine not exceeding 5 *l.* currency, (3 *l.* 6 *s.* 8 *d.* sterling) to the use of the public, or in default, &c. imprisonment not exceeding five days; if indeed the words "any cruelty, injustice, or other wrong or injury done to or inflicted upon any apprenticed labourer by the person entitled to his or her services," be held to extend to his property as well as his person. In the proviso at the end of this clause, saving to the apprentice his rights to proceed in the courts of law, the word "property,"

"property," as well as "person," is expressly used. At all events, as to any other than the person entitled to his services, as, for instance, a book-keeper acting with the knowledge and connivance of his employer, the apprentice has no other remedy than the impracticable one pointed out by the proviso, except the Malicious Trespass Act, passed the 12th December 1833, which seems to have been framed rather for his correction than for his advantage; and where he is remitted to the jurisdiction of an ordinary justice. A complaint under this clause to the special magistrate against a book-keeper, or any other than the person entitled to his services, and even against him, unless the former part of the clause be held to extend to the property as well as to the person of the apprentice, would be "groundless," and would subject him to punishment under s. 40.

8th. The manner in which the apprentice is, in law, all but imprisoned within the bounds of the estate upon which he is located, and the prejudicial effect which this must produce upon wages for extra labour.

9th. His inability to enter any other estate without making himself a trespasser, though it be for the purpose of moral and religious instruction, or even to visit his wife and children.

10th. The want of sufficient power for clergymen and other ministers of religion, and medical attendants, to visit the apprentices in gaols, workhouses, hospitals, and on the estates, the importance of which is admitted by an Order in Council of the 21st December 1835.

11th. No specific classification of apprentices in pursuance of s. 4 of the Imperial Abolition Act, appears yet to have been made in Jamaica. The importance attached to this subject at home may, in some measure, be presumed from a reference to the Trinidad Order in Council of the 5th June 1834, c. 3.

I also think the Jamaica Acts defective in not having provided proper forms of summonses, warrants, corrections, commitments, recognizances, &c. &c., which would afford great assistance, and probably in many instances protection also to special magistrates, as well as greatly promote regularity and certainty in the administration of justice.

In addition to these particulars, I take the liberty to observe that, in considering the legal provisions and omissions in question, I am in nowise influenced by the practice which may exist in Jamaica, whatever that practice may be. The apprentice has a right to be adequately protected by law. It was for that end, and not to leave him dependent in any degree upon the good-will of his master, that the Imperial Abolition Act was passed.

I also strongly assert the principle that wherever the master and apprentice come into legal contact, whether it be under acts and regulations which relate solely to the state of apprenticeship, or to those laws which affect the community in general, every person in any way interested in the apprenticeship condition ought to be absolutely shut out from adjudicating upon his case, directly or indirectly, in any manner howsoever. The importance attached to this subject by His Majesty's Secretary of State for the Colonies may be gathered from a circular despatch of Lord Glenelg, dated June 15th, 1835, in which he writes, "I feel that the time has arrived, when it is necessary to revert to the spirit of the intentions by which Parliament was governed in passing the Act for the Abolition of Slavery, and especially those clauses of it which provided for the establishment of a stipendiary magistracy.

"It is not consistent with those intentions that the powers of a special magistrate should continue to be exercised by any person who has an interest in apprenticed labour, and it is only with great circumspection, and in peculiar cases, that the special commission should be given to parties who, though not interested in apprenticed labour, have been habitually resident in the colonies, and are in consequence unavoidably much connected with the colonial society."

There is another class of laws, namely, those relating to marriage and marital rights, and to moral and religious instruction, of which, as they are few in each colony, I propose to put in a general analysis at a future period.

1178. Are you the author of a Treatise on Criminal Law?—I am.

1179. What is the designation of that Treatise?—It is a digest of the law relating to offences punishable by indictment and by information in the Crown Office.

1180 to 2053.—[*This intermediate Evidence was directed by the Committee not to be presented to The House, as it related to other Colonies, on which they were unable to institute a full inquiry.*]

Veneris, 10° *die Junii*, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Andrew Johnston.
Mr. Thornely.	Mr. Buxton.
Mr. Charles Lushington.	Mr. William Gladstone.

MR. LABOUCHERE, IN THE CHAIR.

John Jeremie, Esq., called in; and further Examined.

John Jeremie, Esq.

10 June 1836.

2654. YOU have stated that it would, in your opinion, have been better, had the Government at home taken into its own hands legislation, in respect of the detail necessary for giving full effect to the Act of Emancipation, but do you not think that that course might have been attended with the following serious difficulties; first, the difficulty in principle of the supersession of constitutional privileges long possessed and legally guaranteed; secondly, the difficulty in practice, inasmuch as you would have incurred the risk of greatly exasperating the resident free population throughout those legislative colonies, and might thereby have entailed upon the experiment of emancipation greater disadvantages than you would have gained advantages in respect of positive improvements in those enactments?—I am by no means insensible to the advantage derivable in matters of detail from the consent of all parties to this experiment, nor to the inconvenience arising from the exasperation of persons who possessed the former power of the planters as regards the labourers, and occupying their relative station in society; but all points considered, it struck me then that the boon, the very ample boon granted by this country to that portion of the subjects of the Crown, was sufficient in itself to remove every feeling of exasperation, and also sufficient to warrant the Legislature in affixing such conditions to the grant as would ensure the due protection of the apprenticed labourers, by the adoption of an efficient legislation.

2655. I have one more question to put as to the colonial legislatures; looking to the general spirit of their proceedings during the period of slavery, as far back as your knowledge of them extends, looking to the legislation at the period of emancipation, and to those continued since (I do not now speak of any one in particular, but looking to the whole, and indeed I would say to the spirit of the resident free population in the West Indies), do you think that, upon the whole, there is a mitigation and softening of spirit perceptible, which induces you to hope it may proceed still further and with more beneficial effects for the future?—Looking to the conduct of these legislatures, I confess my expectations on that subject are but slight, for I look in vain for any ameliorative measure of importance that has been either practically or legislatively adopted in the West Indian colonies, from the period that they obtained possession of the British grant; though up to that time, I readily admit that they had introduced enactments greatly ameliorative of the condition of the negro, as compared with the position he held in slavery.

2656. Was not the Act in Aid (Jamaica) a considerable improvement on the original Abolition Act?—The Act in Aid contained improvements, but it contained also much obnoxious matter.

2657. Upon the whole, however, though you say it contained much obnoxious matter, I think you informed the Committee it contained improvements on the previous Jamaica Act?—It constitutes a very great improvement in this, that it affords sufficient protection to the special magistrates, to enable them to execute the laws of Jamaica, such as they are, and therefore it is a very valuable enactment.

2658. The next question I have to put is this, whether the passing of the Act in Aid was made by the Government at home, the condition of the colony entitling itself to receive its share of the compensation, or rather, whether it is not an undisputed fact, that it was not made a necessary condition?—The original Jamaica Emancipation Act was passed on the 12th of December 1833. Lord Stanley's despatch, announcing the opinion of Government that sufficient provision had been made, is dated somewhere about the month of February, I believe

on

on the 26th, and the Order in Council regarding Jamaica appeared very shortly afterwards; whilst the Act in Aid is dated in July of the same year; it is, therefore, subsequent in date to the Order in Council, and its passing cannot therefore be considered an indefeasible condition required from the Jamaica Legislature. But it is not the less certain that no vote had been taken at the time from Parliament with regard to the compensation; a form required by the home Legislature (see the 25th section of the Imperial Act), by the latter clause of which there is affixed something like a limit to the discretion of Government, for it stated distinctly, "that no contract or agreement for raising any sum or sums by annuities as aforesaid, shall be entered into, except during the sitting of Parliament, and when the same shall have been entered into, all proceedings, tenders and contracts respecting the same shall be forthwith laid before Parliament;" so that, as no proceeding could be taken except during the sitting of Parliament, there evidently existed a power in the Legislature to withhold the money, if they felt convinced that adequate provision had not been made by the colonists, and that the contract on the other side had not been fulfilled.

2659. Does not the imperial Act for the Abolition of Slavery empower Government to raise a sum, and pay it without a fresh application to Parliament for its authority to do so?—Yes.

2660. And did not the Government, when, in the case of Jamaica, they declared that adequate and sufficient provision had been made for giving effect to emancipation, pledge themselves to make use of that power in respect of Jamaica?—It may be fairly considered as amounting to that.

2661. Are you strictly just in saying, in the instance of Jamaica, that though the legislatures of the colony did much to improve the condition of the negro by their Abolition Acts, in the hope of getting the compensation; yet when it once became secure, the colonial legislature became such as you can see in it no indication of an improved temper and spirit?—I think so, for I do not think this payment was secure so long as those who entertain the same opinion, which I do not hesitate to say I do with regard to these Acts, had an opportunity of appealing to the Legislature, and on showing that the contract had not been fulfilled, superseding the powers of the Government. It seems to me that a large sum of money having been voted by the Legislature of this country for a certain purpose, it was within the power of the Legislature, previous to the actual payment of the money, to ascertain that the intended purpose had been attained; and in case of a breach of faith, or conduct amounting in its estimation to a breach of faith in the colonies, to withhold the payment of that money, notwithstanding the Government might have viewed the conduct of the planters in a light more favourable to them.

2662. Did not the Legislature of this country delegate away from itself that power which on general principles it possessed, of determining whether the contract had been fulfilled or not, inasmuch as they appointed an exclusive criterion in the contract, in enabling the Government to declare whether adequate and satisfactory provision had been made, and in rendering the payment contingent upon that declaration and on that declaration alone?—There can be no doubt that the Imperial Legislature threw a very great responsibility on the Government in that respect; perhaps the legal right of the colonies was established the moment the Order in Council, specified in the 44th clause of the Act of Parliament, was promulgated; but yet the Legislature reserved to itself on this, as on all other occasions, authority to superintend the proceedings of the executive, and if dissatisfied, to cause such a collision between the Legislature and this Government as it was exceedingly advisable for the inhabitants of Jamaica to avert, by making timely concessions.

2663. And therefore, that in the event of that superintendence being found unsatisfactory, the Legislature did reserve to itself, notwithstanding the delegation to which I have adverted, a contingent power of interposition?—Perhaps, in strictness, the proceedings of the Legislature would rather have affected the Government who had promulgated the Order in Council, on which the payment depended, than the colonists themselves; but still it was one of those points which it appeared to me, and which it eventually appeared to the Jamaica people, judicious for them to avoid mooting.

2664. I would ask you whether, looking to the entire conduct of the white population as a whole, and taking into your view the conduct of the Legislature of Antigua in particular, without wishing to commit you beyond any general

John Jeremie, Esq.

10 June 1836.

opinion in the first place, if you can form a general opinion on the subject; and secondly, if you can, do you think the indications which have taken place in the West Indies are so favourable as to induce a hope that the two classes of white and black may fuse and blend into a community which may be more harmonious?—I think, under vigilant superintendence and control from home, there can be little doubt that the West Indies may hereafter become as happy communities as any in being; but I also think, except this superintendence, this vigilance and control be most carefully exercised, those communities will, in an incomparably short space of time, relapse into most of the abuses of slavery. I consider that there is not that spirit manifest in the planting portion of the population of the West Indies, which would induce me to rely on their endeavours for the future happiness of those communities.

2665. The only question I would ask you, with reference to the spirit of the planting portion of the population of the West Indies is, whether you think that an improved spirit, as compared with the past?—That there was an improved spirit immediately on the passing of the measure of emancipation, I believe; but that that spirit is wearing itself away rather than increasing or extending, I also believe. Take Antigua for instance, and refer particularly to Lord Aberdeen's despatch to that colony, and we shall find that it was owing to his exertions, that within 12 months after the passing of their Emancipation Bill, something very like slavery was not in effect re-established at Antigua; I allude to Lord Aberdeen's despatch on the Contract Bill, one of the ablest papers I have read, No. 171, in page 34.

2666. Mr. *Buxton.*] Adverting to the despatch of Mr. Secretary Stanley to the Marquis of Sligo, dated February 1834?—That is not among these papers.

2667. Adverting to that despatch, do you not see that the executive Act necessary in order absolutely and legally to entitle the Jamaica planters to their share of the compensation, was not performed, but had only been recommended by His Majesty's Ministers to His Majesty for performance, and that he goes on to say, in the next page, "His Majesty's Government are confident that the colony of Jamaica will fully appreciate the frank and unreserved line of conduct which is thus pursued towards it, and that, although the Legislature will not be compelled by the motives to which I have alluded to acquiesce in the suggestions which will be offered to them for the purpose of remedying the imperfections of the Act, they will nevertheless receive and adopt them in that spirit of confidence and good-will, which I trust will henceforth always be found to exist between the colony and His Majesty's Government." And again, Lord Aberdeen's despatch, at page 44, in which, speaking of the Act in Aid, he says, "I remark, however, that the operation of these amendments is by the final clause limited to the 31st of December of the present year, although the Act of which it is an amendment will continue in force till the expiration of the apprenticeship. This is a very serious ground of objection, nor can His Majesty's Government consider the Legislature of Jamaica as having fully acquitted themselves of the duty to which they were called, until the amendments shall have been rendered as enduring in point of time as are the original enactments." I ask, then, whether, bearing in mind that His Majesty's Government had in the first instance only recommended His Majesty to pronounce this an adequate and satisfactory measure, and that that was coupled with the strongest language, declaring that they were bound in good faith to render them more satisfactory, and that the Earl of Aberdeen uses the same language, and throws it upon their honour and good faith to render them complete and satisfactory, whether, in point of fact, such a case could not have been made out if the Act in Aid had not been passed, as to have enabled those who took the part of the negroes to succeed in stopping the payment of the money?—It strikes me it would have furnished grounds on which to make an appeal, and a very powerful one, to the Legislature; and I cannot but express my conviction that the Jamaica Legislature may be contemplated as having acted under the impression that such an appeal would be made, except they met Lord Stanley's recommendation; but at the same time I do not say that this apprehension arose from the Order in Council not having been passed at the time they passed the Act in Aid, for I rather think they had a knowledge that it had passed; the Order in Council was conveyed to them on the 20th of March 1834.

2668. In

2668. In one word, do you think they would have been perfectly safe in receiving this money, if they had not passed the Act in Aid?—I can scarcely say they would; probably not. *John Jeremie, Esq.* 10 June 1836.

COMPARATIVE VALUE of SLAVE and APPRENTICESHIP LABOUR, on data furnished by the Returns in Parliamentary Papers, No, 278, p. 20, *et seq.*

If 18,159 hogsheads of sugar are produced in 17,551 hours, then only 11,440 hogsheads should be produced in 11,057 hours. Whereas it appears by the returns, that 15,672 hogsheads were made in the shorter period, giving an excess of 4,232 hogsheads in a year.

At the same rate of labour, it would require 4,090 hours to produce 4,232 hogsheads.

Hence it follows that as 4,090 is nearly one-fourth of 17,551, the labour of the negro under the new system exceeds the labour of the slave nearly as five to four.

But if in consequence of the slave working six days in the week, one-sixth is added to the time of labour in 1834, then the excess of apprenticeship labour will be 5,203 hogsheads, or reduced into time, 5,866 hours, which will make the apprenticeship labour exceed the slave labour by considerably more than one-fourth. The proportion will be nearly represented by 131 to 102.

This calculation (which is not given with minute accuracy) will prove either the superior energy of free labour or the very coercive character of the apprenticeship system.

Martis, 21° die Junii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Sir George Grey.
Mr. Charles Lushington.	Mr. Buxton.
Mr. William Gladstone.	

Mr. LABOUCHERE, IN THE CHAIR.

William Burge, Esq. called in; and Examined.

2669. *Chairman.*] YOU are the agent for Jamaica?—I am. *W. Burge, Esq.* 21 June 1836.

2670. Have you had an opportunity of seeing the evidence which Mr. Jeremie has given upon the subject of the local Acts of the colony of Jamaica, with reference to the condition of the apprentices?—Yes, I have.

2671. Are there any observations which you are desirous of making to the Committee upon that evidence?—There are; I beg, however, to state to the Committee, that although I hold the office of agent of Jamaica, yet it is not in that character I make the observations which I am now about to offer. If the objections which Mr. Jeremie and the other gentlemen have made to the Acts of the Jamaica Legislature had been confined to the Acts themselves, and had not proceeded on matters extrinsic of those Acts, I should have felt that it was not compatible with my duty as agent, because it would have been a derogation from the rights which the Legislature of Jamaica possesses to have made any statement, which, being an answer to such objections, might have the appearance of being a vindication of the Acts of that legislature. The colony of Jamaica has, for 200 years, enjoyed a free constitution, having the right of making laws. The Acts of the Jamaica Legislature, when they have received the assent of the three branches of which it is composed, acquire and possess all the sanctions and all the obligations of laws, subject only to a disallowance by His Majesty in Council; that disallowance being signified to the colony, either under the King's sign manual, or by an Order in Council. The Acts against which these objections had been made, having been disallowed, are the laws of the colony. I ought not to impair their authority by undertaking to vindicate; but I ought to leave them where the constitution has left them. But there are certain objections made by Mr. Jeremie and his learned coadjutors, which are founded upon matters of law and of fact extrinsic of the Acts. With respect to these, it appears to me that the learned gentlemen have not been well informed. It is with reference to objections of that class that I wish to make a statement to the Committee. The interval which has elapsed since the Committee first sat, has not been sufficient to admit of my receiving from my constituents any instructions or directions as to the course which I should take. In the observations which I submit to the Committee, I am acting solely upon my own responsibility, and upon my own judgment. The legislature, whose agent I am, cannot be, and I ask that it should not be bound or prejudiced by any statement I may offer to the Committee; and I further ask, that its rights

W. Burge, Esq.

21 June 1836.

as a legislative body may not be compromised or in any degree affected by the course I am taking. I now proceed to address myself to the subjects which are contained in the papers delivered by Mr. Jeremie and Mr. Beldam, and at the same time to the evidence which is applicable to those subjects. I begin with the observation which is made relative to voluntary manumissions. It is said, nothing has been said as to fees; "are any and what fees leviable on manumissions?" Now I beg to call the attention of the Committee to the 69th clause of the Jamaica Abolition Act, by which the Committee will perceive that the legislature has taken care to exempt from the operation of the Stamp Act any document required under the abolition law, in page 282 of this first series of papers; "And be it further enacted, that no duty or stamp shall be imposed on any document or proceeding required by this Act." I need scarcely say, that if there is no fee imposed by the law, there can be no fee claimed by any public officer. The Legislature of Jamaica, with a view of protecting the apprentice against any injury from the loss of the document which gave him his discharge from the apprenticeship, enables him to put that document upon record in the secretary's office. This provision has the effect, not only of preserving the evidence of his title to his discharge from the apprenticeship, but of enabling him to produce secondary evidence of it; namely, a copy of the recorded instrument in the secretary's office. If there had not been this provision, he would have been under the disadvantage of being deprived of evidence of his discharge from the apprenticeship, because under none of the recording Acts of the island of Jamaica could a copy of the record of his discharge from the apprenticeship be received in evidence. If there be any fee for the service thus rendered, it is a fee to the secretary for recording the instrument, which I believe is *2 s. 6 d.* currency. The next subject in the papers of Mr. Jeremie and Mr. Beldam relates to compulsory manumissions and the mode of appraisement. In connexion with this subject, I will also refer to the evidence given by Doctor Madden. If I understand the effect of the evidence of those gentlemen, and the nature of the objection, it is this, that by uniting two local magistrates with the special magistrate, there is a preponderance given to the local magistrates, and that it prevents the special magistrate from repressing any extravagant appraisement which might be made by the local magistrates; in short, that the appraisement would be made according to the alleged exaggerated and improper views of colonial magistrates, and that the single voice of the special magistrate would not be sufficient to control it. Now, it seems to have escaped the learned gentleman that the clause distinctly requires the concurrence of the three magistrates in making the appraisement, and in giving the certificate discharging the negro from his apprenticeship. In the first instance, a person applying for his discharge from the apprenticeship, and the party entitled to his services not being willing to grant it, notice is given to the party or his or their representative or agent, who is then to appoint a justice of the peace of the parish or precinct in which the apprentice shall reside; this justice is to associate himself with such special justice of the peace, and the local justice and the special justice must concur in the selection of a third justice to be associated with them; and in case the said special justice and said justice of the peace cannot agree on the selection of this other magistrate, then the selection is to fall upon the custos, or in case the custos or senior magistrate should have any interest in the question, then on the next magistrate in seniority. The tenth section then goes on to enact, "That the three justices shall meet at the usual place of public business, and proceed to fix a value upon such apprentice, which shall be binding and conclusive upon all parties; and upon the amount being paid to the person entitled to receive the same, or to the receiver-general; such apprentice shall be absolutely discharged from the remainder of his term of apprenticeship; and the three justices shall grant a certificate under their hands in the form following: 'We do certify and declare that A. B. is the apprentice of C. D. and so forth, is discharged from his apprenticeship.'" It is scarcely possible, unless you were to exclude altogether from this subject the local magistrate, to conceive an appointment in which there is greater care taken to secure a fair valuation; there is one and one person only in the character of magistrate, who is nominated on the part of the individual entitled to the service of the apprentice; the nomination of the third magistrate is the joint act of the one so appointed by the individual entitled to the service of the apprentice and the special magistrate; the appointment is so made as to secure, at all events, the local knowledge requisite in forming a just estimate of the value of the

the apprentice's services, and at the same time be a check upon anything like extravagance in the mode of ascertaining the value, because if it should happen that either of the two magistrates propose too high a valuation, in which the special magistrate himself should not concur, the valuation could not take place against the consent of the special magistrate. The effect of the proceeding then would be that the selection which had originally been made was inoperative, and the apprentice did not procure the certificate of discharge, another selection must be made. The supreme court would have the power of controlling improper conduct on the part of the magistrate. I cannot have a stronger illustration of the necessity of joining a local magistrate with the special magistrate in fixing this valuation, than that which is afforded by the evidence of Dr. Madden himself, to which I now refer, because, if after having resided in the island of Jamaica during the time he mentions, he can still retain his opinion that 10 *l.* (he does not know whether it was sterling or currency, but taking it to be 10 *l.* sterling) was a proper average value of the negro, even at the time when Mr. Bryan Edwards wrote his book; it is quite clear that he has formed a most erroneous and imperfect notion of what is a fair and proper valuation; he has quite misunderstood the whole of the passage in Mr. Bryan Edwards' book, and which he assumes as the authority for considering his own valuation to be correct, and the valuation of the local magistrates as too high The statement of Mr. Bryan Edwards, to which Dr. Madden refers, is in the second volume of his History of the West Indies, and in page 301 of the edition from which I am reading. The author is giving the value of an estate in Jamaica, and the various elements or items which constitute the estate, and in the note B. he has the following passage: "In Jamaica the usual mode of calculating, in a general way, the average profits of a sugar estate is, to allow 10 *l.* sterling per annum for every negro, young and old, employed in this line of cultivation." Now, the Committee will at once perceive that in this passage Mr. Edwards is speaking, not of the annual value of a single negro, or a negro *per se* and absolutely, but to the negro as a component part of, and in relation to, the whole capital of the estate, and more especially in connexion with, and in relation to, all the other negroes on the estate, some of whom being infants, and some being aged and infirm, their services are of no value at all, but on the contrary they entail an expense on the estate. It is quite clear that Dr. Madden was under a mistake in representing that Mr. Bryan Edwards considered 10 *l.* to be the annual value of a negro considered by himself, and not in the relation or connexion which I have pointed out. In fact, such an estimate of the value of a negro per annum is contradicted by the experience of any man who has the slightest acquaintance with the rent which is paid, not merely for field negroes, to whom alone the passage in Mr. Edwards' book applies, but especially to those to whom the jurisdiction of Dr. Madden extended, for he was the special magistrate for Kingston, where there are no field negroes but domestics or non-prædials. The hire of an ordinary domestic is certainly not less than at the rate of two dollars per week, or 34 *l.* 13 *s.* 4 *d.* currency per annum. I am not aware of any instance in which you could obtain a domestic of any description, for any purpose, for a sum less than 10 *s.* per week, or 25 *l.* currency per annum. With respect to domestics of a higher description, as cooks, butlers, coachmen, &c., their wages are from three to four dollars per week, or 52 *l.*, or 69 *l.* 6 *s.* 8 *d.* currency per annum. I speak from having frequently myself paid that rate of wages for the domestics I hired. With respect to field negroes, I can speak also of those whom for many years I hired, at certainly not less than 25 *l.* a year, and sometimes more. As to the introduction of the local magistrates into the tribunal, by whom the valuation is to be made, I say that it is essential for the purpose of affixing a fair valuation of the apprentice's services, and that if there be a possible mischief which might result from any supposed bias on the part of the local magistrates, it is counteracted by the new selection which may be made, and by the controlling power which the supreme court would possess, in case there was, on the part of either of the local magistrates, a determination not to concur in the certificate of discharge, or not to concur in a valuation which was fair and reasonable; that I say is a complete answer to the objection which is made to the introduction of local magistrates into the tribunal appointed for the valuation of the apprentice's services.

2072. Sir *George Grey.*] Suppose this case, that the two general magistrates fix what in the opinion of the special justice is an unfair valuation, and the special justice refuses to concur with them and to sign the certificate, what

W. Burge, Esq.

21 June 1836.

remedy has the apprentice, so as to entitle him to the obtaining of the manumission which the Act professes to give him a right to?—The course which I conceive would be adopted in such a case would be this, the special magistrate would make an application to the supreme court, which possesses all the powers of the Court of King's Bench in England; it would receive affidavits upon the subject of that valuation, and if there appeared just ground, would appoint another magistrate or two more magistrates in the room of those who have been guilty of an improper adherence to an extravagant valuation.

2673. Suppose that the supreme court should not be sitting at that time when the original valuation took place, what would be done?—Of course then nothing could be done till the supreme court did sit; but the supreme court sits three times a year, in February, June and October.

2674. For what period does it sit at each of those sittings?—Three weeks.

2675. Nine weeks in the course of the year?—Yes.

2676. Then during the interval there would be no immediate court open to the apprentice against the excessive valuation made by the two justices?—No.

2677. Mr. *Gladstone.*] Suppose the valuation made by the two general justices were such as, though not too exorbitant, went beyond the mark; would the supreme court, in such a case, upon a mere question of opinion, be likely to dismiss those two general justices, and to substitute two others for them, there being no such discrepancy as to justify the imputation of bad motives to them?—Certainly not; I am supposing a case in which the appeal would be from a valuation so extravagant as to infer an endeavour on the part of the local magistracy to prevent the apprentice from obtaining his discharge; but if it were merely a difference of opinion between the local magistrates and the special magistrate, there would be no ground to interfere.

2678. They would not be able to interfere then upon the simple fact that there was a difference in opinion between the special magistrate and the other magistrates?—I should think not.

2679. Sir *George Grey.*] Supposing something like an habitual determination on the part of any of the general magistrates to fix a higher valuation than, looking at the evidence given in a series of cases, had been fixed by other magistrates, cannot the Governor remove that individual from the power of exercising that power?—Undoubtedly, the Governor may issue a new commission or a supersedeas of the magistrate.

2680. Mr. *Buxton.*] What are the precise words which you think make it necessary that all the three magistrates should unite in fixing the valuation?—The whole of the 10th section contemplates that the act should be done by the three; the three must concur in granting and signing the certificate; the words of the clause require this construction of it, and of course the three would not sign the certificate if either of them dissented from the valuation.

2681. Then what, according to your interpretation of this clause, would be the effect of one magistrate refusing to sign the certificate?—The supreme court would compel him by a mandamus to sign it.

2682. So that it would be necessary either to incur the expense and the delay of an application to the supreme court, or the negro must go on until the expiration of the apprenticeship?—Yes, if you could suppose a case of this kind to occur; as to the expense incident to the application for a mandamus, they are Crown proceedings, and no expense would be incurred; it would be undertaken by the Attorney-General.

2683. Mr. *Gladstone.*] What would be the average period of delay?—About two months, supposing the case to occur immediately after the termination of the grand court, as for instance, at the end of June, would be the interval between the end of June and the meeting of the grand court in the first Monday in October.

2684. Sir *George Grey.*] Do you mean that no manumission could take place if the three did not concur in signing the certificate?—I apprehend, in that case, the special magistrate would have it in his power to take proceedings by which another magistrate might be selected. He would call upon the person who was entitled to the services of the apprentices to make another appointment, the first appointment having become inoperative in consequence of their refusal to concur. The magistrate thus appointed, together with the special magistrate, would make choice of the third, in the same manner as if there had been no previous appointment. I apprehend there is nothing in the Act which should

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prevent the special magistrate, in such a case as that which is supposed, from uniting with another magistrate for the purpose of forming this tribunal.

2685. Mr. *Buxton.*] Do you think that there is anything which renders it necessary that they should proceed in case the magistrates could not agree to appoint other magistrates who should be likely to agree?—I apprehend that if the first appointment had been made by the person entitled to appoint his magistrate, and another magistrate had been appointed concurrently by him and the special magistrate, but both or either of the two local magistrates remained inflexible as to a high valuation, so that no certificate could be given by the three, it would be competent for the special magistrate to give notice to the person entitled to the services of the apprentice, to name some other magistrate. I cannot conceive that there would have been a fair compliance with the law, if a magistrate who is named prevented the certificate being given, by insisting on a valuation so high that the other local magistrate and special magistrate or either of them would not concur. It would be a mode of defeating the law, and it would not have been a discharge of the duty delegated to him if he so conducted himself as to prevent the provision of the law from taking effect.

2686. Would not the owner have an equal right to apply to the apprentice and say, your valuer, this special magistrate, undervalues you exceedingly, and therefore you must appoint a new special magistrate?—No, he could not say that, because the special magistrate must be the nearest magistrate appointed by special commission. The law directs that the application is to be made to the nearest magistrate who is appointed by special commission.

2687. Then do you consider the argument being that the negro ought to appoint his own arbitrator, magistrate or no magistrate, that your statement is a reply to that?—Yes, I do. It was considered that by interposing a special magistrate as one of the valuators, the interest of the apprentice was protected, so that it should not be wholly left to the local magistrates to make the valuation of his services.

2688. And you are of opinion that there being two of one party, namely, ordinary magistrates and one of a third party, namely, a special magistrate, that between those three he would be sure of obtaining a just valuation?—I consider that there would be security for him in the control exercised over those local magistrates if they made a valuation so improper as either to manifest a desire to prevent the negro from obtaining his discharge from the apprenticeship, or to oblige the latter to pay an unjust value.

2689. You think, in an extreme case, where the price put upon him was evidently exorbitant, that some redress might be got?—Yes.

2690. But put a case in which there was some small over-valuation, and therefore insignificant as a sum, but of great importance to the negro, and in that mitigated case would be sure of obtaining justice?—When one is speaking of sums of relative value, I feel that a difficulty might arise, because the judgments of persons might differ as to amount, which would be so high as to call for an interposition on the part of the Governor, or on the part of the supreme court of the colony.

2691. Then you think that in extravagant cases there is redress, but you cannot say whether in minor cases that redress would be applied?—No, I can carry it no further than I have stated; I believe if a case of the sort occurred, affording a fair ground of complaint of the mode of appraisement, that there are means of redress in the power of the Governor to remove the magistrate, and in the power of the special magistrate, if he considered the valuation by other magistrates too high, to call for the appointment of another magistrate.

2692. You say, that in case of an over-valuation, redress may be expected of the superior court; of whom does the superior court consist?—Of the Chief Justice, a gentleman at the English bar, and of two other judges.

2693. Who are they?—They are not generally barristers.

2694. Are they planters?—Some are planters, and some are merchants.

2695. So that we should come at last to seeking redress from the discretion of a court, the majority of which consisted of persons connected with one side of the question?—If you suppose that a connexion with one side of the question would bias the judgment of those persons who are sworn to administer justice faithfully between His Majesty's subjects, of course I am bound to say, that there may be some of the judges who have that connexion with one side of the question, if by connexion it is meant that they have apprentices, whose services may become the subject of valuation.

W. Burge, Esq.

21 June 1836.

2696. Mr. *Gladstone.*] Would you not say, that there is another mode of redress opened by the interposition of the Governor?—By his removal of the magistrate.

2697. Do you think that the Governor, supposing himself satisfied in his own mind in a particular case, that the over-valuation by a particular magistrate, whether sufficient or insufficient to justify the imputation of corrupt motives, yet was sufficient to inflict substantial hardship, would in that case be justified in removing the magistrate?—It is difficult to answer that question. It would depend, I conceive, very much upon what was the previous general conduct of the magistrate in making valuations, whether he had been accustomed on other occasions to make an extravagant appraisement; but if there was a substantial wrong done to the apprentice, I should not think that the Governor would hesitate in removing the magistrate.

2698. In the case of a substantial wrong being done to the negro, even by a sum insignificant in itself, to the minds of those who are accustomed to deal with money in larger quantities, would the Governor have the power of giving a remedy by removing the magistrate?—Certainly.

2699. Sir *George Grey.*] That would not be retrospective, but prospective, to set aside that valuation?—Yes.

2700. But supposing neither of the magistrates had concurred, and that it had become inoperative by the non-payment of the money, the remedy would be so far applicable to the past case, that that case would come under a new tribunal?—Yes, and in the case which was just now put of a special magistrate considering that it was an improper sum, and refusing to sign the certificate, if the Governor removed the magistrate, there must of course be another magistrate selected to take part in the valuation.

2701. Do you think that that would be practically an effective remedy, if the Governor had the power of removing a magistrate for making an excessive valuation, do you think that that power could be exercised if a sufficient case were made out for lowering any excessive valuation that they might otherwise be disposed to make?—I think so.

2702. *Chairman.*] Do you think it probable that the Governor would exercise this power, except in a very extreme case?—He would not, except in those cases where it was evident that there had been a wrong done to the apprentice.

2703. Do you think, therefore, that this would be a practical check to the system of over-valuation, if such could be supposed to exist, which might be a very great hardship to the negro, though it might not amount to such a case as would justify the Governor in interfering?—I think the knowledge that in those valuations, and in a case of practical hardship inflicted on the apprentice by the amount of the valuation, the Governor would interpose and supersede the magistrate, would operate to restrain and prevent those evils.

2704. Do you think it likely that the Governor would feel himself justified in resorting to so strong a measure as to supersede a magistrate, unless the error committed by the magistrate was of a gross description?—A mere error in judgment in the estimate formed of the service of the apprentice, would certainly not present a case in which a Governor would be justified in resorting to so strong a measure as the removal of the magistrate; but the knowledge that it was in the power of the Governor to restrain any attempt to defeat this law, by extravagant valuations, or to subject the apprentice to a pecuniary hardship, in paying a larger sum than was reasonable, would, I think, check a disposition to make extravagant valuations, if such a disposition existed. I am all along assuming that such a disposition does exist, and that the valuation which has been generally put upon the apprentices has been improper; but, judging from the testimony of Dr. Madden, or from anything I have heard, I am not warranted in assuming that such disposition does exist, or that the valuations have been improper. If Dr. Madden desired valuations to be made upon his principle, he would be clearly wrong, for those are too low.

2705. Mr. *Buxton.*] Do you consider that a Governor would feel himself justified in removing a magistrate from his office, and by that means holding out an example which should deter magistrates from over-valuation in cases which might be considered as error of judgment, but in which no corrupt motive could be established?—I have said before, that in those cases the Governor would naturally look to the previous character and conduct of the magistrate in relation to valuations; he would obtain the estimate of other persons who were acquainted with the value of the services of the apprentices,

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and would judge what would be a fair value; these are some of the means by which he would assist himself in determining whether there were grounds for imputing to the magistrate improper motives in the valuation he had made.

2706. Do you think that the Governor would feel himself justified in removing the magistrate without such an investigation into his conduct?—If you ask me whether a Governor is bound to investigate the conduct of a magistrate before he supersedes him, I answer that he is; I take it for granted the Governor would ascertain from experienced persons the value of the services of the negro whose valuation was deemed too high; he would endeavour to obtain the best information.

2707. During the time that these various investigations were going on, what would become of the apprentice?—The apprentice would still remain subject to his apprenticeship.

2708. Sir *George Grey.*] Suppose there was any court of appeal against the decision of the valuing magistrate, what would become of the apprentice in the interval between the original valuation which was disputed and the decision of the appeal; do you know how it is in the Crown colonies in St. Lucia?—No, there is no analogous remedy in such a case in the English colonies.

2709. Supposing that valuation to be subject to a tribunal perfectly unimpeachable, what would become of the apprentice in the interval between the disputed valuation and the decision of the appeal; would he be subject to apprenticeship or be entitled to freedom as if the valuation was complete?—I apprehend, in such a case, the court to whom the appeal was made would extend protection to the negro, so as to place him in the same situation as if the apprenticeship had actually determined; an apprentice whilst prosecuting his remedy for the purpose of having his certificate granted to him would not be treated as an apprentice.

2710. Do you think that, supposing the special magistrate to differ from the other magistrates as to the value, and to refuse to sign this certificate and to give notice of his intention to apply to the supreme court, that that special magistrate would not be authorized to compel the apprentice to labour in the meantime?—I think not; I think the apprentice would be protected in the meantime.

2711. You think that the special magistrate, being the special magistrate of the district, would not be authorized to compel his labour in the meantime?—I think not, under those circumstances.

2712. Mr. *Buxton.*] Do you think that, during this time of suspension, if the negro absconded he would be liable to penalties for so doing?—I should think the provisions of the law would not attach to him under those circumstances; he is in the situation of a person prosecuting a right, and the successful acquisition of that right is defeated by causes over which the apprentice has no control, and my own individual opinion would be, that the law would throw around him a protection, so that in the meantime he will be perfectly free; I should certainly, as a special magistrate, not feel any hesitation in taking care that the negro should be protected during that time.

2713. On what do you found this opinion of yours?—On the power which must, I apprehend, be incident to the duty with which the special magistrate is charged in relation to the application which the apprentice is entitled to make for the purchase of his discharge from the apprenticeship, and which application is defeated by an Act over which he has no control and which he could not prevent.

2714. In your view of the case you think he would be protected, but do you believe before a court of the colony it would be so?—It may be difficult to speak of the probable decision of any court; I do not participate in any distrust of the inclination of a colonial court to do what is just and right.

2715. Sir *George Grey.*] Do you think this protection ought to be afforded to the special magistrate if the money was not lodged to abide the event of the appeal?—I apprehend the special magistrate would require a sum of money to be deposited with the receiver-general.

2716. That sum of money which he conceived the valuation ought to have been?—Yes.

2717. Therefore the apprentice would not be entitled to this protection unless he had this money to deposit?—I am intimating an opinion very much upon what would be my own feeling as a special magistrate having to administer this

W. Burge, Esq.

21 June 1836.

law; and taking care that effect should be given to the provision enabling the apprentice to acquire his right to his discharge from his apprenticeship, I apprehend if that provision were defeated by such acts as are supposed, the special magistrate must possess some means by which he can enable the apprentice to obtain redress from the superior court, and at the time he is seeking that redress, protect him from remaining in the same situation as if he were not availing himself of that provision of the law for his discharge; and I am speaking rather as to powers incident to the duty of the special magistrate and implied, than as to anything that is in terms expressed by the Act; I can only hazard a conjecture whether the special magistrate would require the whole amount of valuation or that which was something short of it.

2718. You conceive this authority to be vested in the special magistrate, not by virtue of any specific enactments applicable to the individuals on this subject, but by virtue of the office, looking at the purpose for which that office was created, is that your opinion?—Exactly so.

2719. *Chairman.*] Will you have the goodness to proceed to the next point upon which you are desirous of offering observations to the Committee?—An objection has been made to the language of the Act respecting the persons upon whom the notice is to be served. If I understand the objection, it is this, that possible cases may occur in which there might be a difficulty in finding out some person who represented the party entitled to the service of the apprentice; and that, in consequence of that accident, the apprentice might not be able to obtain a discharge from his apprenticeship. Now, it is important in looking at that objection for the Committee to bear in recollection that the apprentice, in order that his former owner may receive compensation, must have been registered, and to entitle the owner to his services as apprentice, he must have been registered at the last registry. Supposing the owner to have been absent, the registration must have been made by the person in whose possession the apprentice was, either as agent, or attorney, or representative lessee, or as tenant by parol from year to year or so forth; according to the opinion which has been conveyed to the colonies, and which has been acted upon by the Government, if the negro had not been so registered he could not be an apprentice, and the question therefore could not arise; he would be free from all apprenticeship and there could be no sale of his service as an apprentice. I believe the last registration in Jamaica was in 1833; it may be said, that since that registration the person entitled to the services of the apprentice might cease to be represented; there is one circumstance which is quite clear, that there must be some person in possession of the apprentice on the 1st of August, or at some period between the 1st of August 1834 and the month of October 1834, because the claim of the compensation in respect to this apprentice must have been lodged in the colony by the person in possession on the 1st of August 1834. There is the office in which the registrations are lodged, the office of the Assistant Compensation Commissioners, to which reference may be made to discover the person in whose possession the apprentice was at these periods and upon whom, in consequence, the notice of the appraisement could be served. It is an extremely improbable circumstance that there should be any apprentice who was not either paying wages either to his former owner or to some other person. Now, no formal power of attorney is necessary for the purpose of constituting another the agent of the party entitled to the service of the apprentice; because the language of the Act expressly uses the word agent or representative. Neither is it necessary for the purpose of making the transfer of the services of the apprentice that the agent should be constituted by deed. During the existence of slavery, whilst the owner had a property which could pass only under a deed duly executed, a power of attorney under seal was requisite, yet the services of the apprentice cannot be considered as a species of real property which would require to be transferred by deed; the agent or representative, no matter how he was constituted, whether by the simple fact of his receiving, from time to time, the wages of the apprentice, would, to all intents and purposes, not only under this Act, but under the ordinary usages in Jamaica, be an agent fully competent to receive the notice so as to enable the valuators to proceed to make the appraisement. Even in the very improbable case of there being no person representing the party entitled to the services of the apprentice, there would be no difficulty. Supposing the person entitled to the service of the apprentice were absent from the colony, though it is an extremely improbable case, since it is the interest of every person who retains himself the services of the apprentice

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to have some one as an agent or representative there to receive the amount of the wages; if he were in the United Kingdom, notice might be served upon him here; eight or nine weeks would suffice to bring out proof to the special magistrate that the notice had been served on the party entitled to the services of the apprentice of the intention to proceed to make the valuation. I have said it is an extremely improbable case that the party should not be represented; so far from its being common that persons shall be unrepresented in the colony where there are few negroes, I beg to state that it is very unusual in Jamaica. Even during the existence of slavery, if there was not in the island any person claiming by himself or by his representative the possession of the negro, the latter might, in consequence of his having been allowed for a certain time to go at large without any claim on his services, have acquired a title to freedom. I have known an instance where a negro has acquired his freedom by the decision of a court of law, upon the single ground that he had been allowed for a period of 15 years to enjoy himself as a free person, there being no person claiming any service from him.

2720. Sir *George Grey*.] Supposing that case to exist, would there be any person in the colony capable to compel the services of the negro?—Certainly not.

2721. Would not the case you have put be a practical dissolution of the apprenticeship, or a suspension of the apprenticeship?—Exactly so, there would be no person who would be entitled to the services of the apprentice. If you have a person entitled to the services of the apprentice, either on his own account or on behalf of another, you have immediately in him an agent and representative upon whom a notice could be served.

2722. *Chairman*.] You have stated that, in this extreme case there would be a suspension of any ownership of the apprentice; would there not also be a suspension of the power that the apprentice would have of purchasing his freedom if he was desirious of doing so during the same period?—I cannot understand the term apprentice, without reference to some person who must be entitled to his services; either the party entitled to his services is in the island himself, or there is some person who claims those services to whom the apprentice accounted for his wages; in either of those cases there is an individual upon whom the notice would be served.

2723. You have given a case in which the ownership is suspended, that is to say, in which the individual is practically free, but in which the owner may return and may resume his right over the services of that apprentice; supposing during that interval the apprentice is desirous of purchasing his unqualified freedom, would the absence of any owner during that time suspend the power which the apprentice would have of so acquiring his freedom?—In such a case as that the notice would be served, I apprehend, upon the person who was last in the possession, or last receiving the wages of that apprentice.

2724. Supposing that person to be absent, and to have left no one who represented him in the colony, what would be the course of the apprentice in that case?—In the case which the Chairman has put, the person who has quitted the island having been in possession previously of the apprentice, but having left no one to represent him, which is an extremely improbable case, I apprehend that that person who is left in charge of that individual's general affairs, would be considered as representing him for this particular apprentice.

2725. But, suppose the case which you apprehend to be possible, though you conceive it not to be likely frequently to occur, of an owner who has the legal right to the services of the apprentice leaving the island and no one behind him to represent him?—In such a case as that, there would seem to be no one upon whom notice could be served.

2726. But, on the other hand, it appears, from what you have said, that you conceive that the moment that the right to the services of the apprentice began, from that period would begin the power on the part of the apprentice of purchasing his freedom?—Decidedly so; the moment that any one was claiming his service as an apprentice, instantly there is the person upon whom the notice could be served.

2727. Sir *George Grey*.] With reference to the practice of the courts of Jamaica, could the supreme court order a service of the notice at the last place of residence of the persons entitled under any circumstances, as they do in the Court of Chancery here?—There are many instances in which notice of that

W. Burge, Esq.

21 June 1836.

description is deemed sufficient, upon a previous application to the court, and I should conceive that in such a case as this the court would authorize such a service.

2728. Suppose the owner absent, means having been taken to find him, but unsuccessfully, could an order be made by the court to justify the service of the notice at the last place of residence of the person entitled?—I think so. In those cases in which the party leaves the island, without appointing an attorney or agent, the service of process on his property or place of residence has been established. I do not doubt that the court would establish as good service the delivery of the notice at his estate or at his house.

2729. *Chairman.*] Will you have the goodness to proceed to the next point?—It appears to me that there is a misapprehension of the effect of the clauses 14 and 15, respecting the separation of families; clause 14, it is said in Mr. Jeremie's paper, "does not provide a remedy for the parent or child or other relation, who by any mistake or omission of the special magistrates shall have been separated from his family, an omission of great practical importance, which is believed to have caused much litigation elsewhere." Upon a fair view of the 14th clause, I consider this is an unfounded objection. By the clause 14, page 274, it is enacted, that "no apprenticed labourer should be subject or liable to be removed from this island, and that no prædial apprenticed labourer who may, in manner aforesaid, become attached to the soil, shall be subject or liable to perform any labour in the service of his or her employer or employers, except upon, in or about the works and business of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on or previously to the said first day of August 1834, provided nevertheless, that with the consent in writing of any two or more justices of the peace holding special commission, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his or their services to any other plantation or estate within this island to such person or persons belonging, which written consent shall in no case be given or be of any validity, unless any of such justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband." Now, according to the obvious import of this clause, if it turned out that there had been separation, the removal became absolutely void. It is a misapprehension of it to state, that there is no remedy where such separation has taken place by mistake or omission of the special magistrate; the separation of the family would render the consent given for the removal to another plantation absolutely void, because the clause has in expressed terms said, that such written consent shall in no case be of any validity, unless it has been first ascertained that such transfer would not have the effect of separating the members of the family. The language of the clause is so strong as to invalidate any consent which has the effect of separating the members of the family; this clause cannot, I conceive, admit of the least doubt. The next subject is that which relates to the allowances, provisions, grounds, the clothing and medical attendance. I have a very short observation to make to a great deal which has been very ingeniously used respecting what may be correctly called indulgences or allowances. If I understand the argument of Mr. Jeremie and his coadjutors, it is this, that those articles which are furnished at some particular seasons, which are called indulgences, have acquired so much the character of custom, as to have given the apprentices a right to their continuance; that they are as much guaranteed to them by law as if they had been the subject of an express legislative enactment. Now, with great respect for Mr. Jeremie and his learned coadjutors, I must say that it would surprise an English lawyer very much indeed to be told that an allowance which, according to the very terms in which it is stated, is neither certain nor compulsory upon the party, nor uninterruptedly continued, can so far partake of the quality and incidents of a custom, as to confer a right to demand that allowance. The essential qualities of a custom, I need scarcely say, are that it should be certain, that it should not rest upon the will of the party giving the thing, and that it should be uninterrupted in its enjoyment; now not one of those qualities can be predicated of those allowances.

2730. *Chairman.*] Is it quite fair to apply the same rule to the customs existing in England to customs existing in a state of society so different from that of England, as was the case in Jamaica during the period of slavery?—With great submission,

submission, those allowances have been brought forward in the evidence of Mr. Jeremie, as being clothed with all the sanctions and legal obligations which belong to a custom as it exists in England; and it has been urged that this custom had acquired the force of law. Now I was about to say, with respect to the allowance, that the statement made on the part of many planters in the parish of Trelawney, and which forms the case laid before Mr. Batty and the Attorney-General, represents the allowances to be, as in fact they were, not uniformly given throughout the whole island at all; not uniform as to the quantity given; not uniform as to the time when they were given and withdrawn by the master, when he saw occasion to withdraw them, either in consequence of the conduct of the negro or his own inability to provide them. Upon that statement Mr. Batty gave his opinion, that in point of law, the negro had no right to those indulgences; and I beg leave to say, that I entirely concur with Mr. Batty in that opinion. Moreover I think that a more mischievous measure, as regards the real welfare of the negro population could not be devised, than to have made it imperative upon the master to have given those indulgences. You would have deprived him of the means not only of supplying a powerful motive for good conduct in his apprentices, but of creating and preserving all those feelings of reciprocal confidence and attachment which must subsist between those who dispense and those who receive benefits, which are voluntary and unconstrained gifts. I conceive that the whole system of indulgences operated upon the negro population as a stimulus to good conduct, because they were withheld whenever their conduct was not good; but further, this system made the negro always feel, and it is very desirable that he should continue to feel, an interest in the prosperity of his employer, because upon that prosperity depended the ability to grant the indulgences. That feeling cannot exist without producing other kind and friendly feelings towards his employer. I think it would have been most injudicious to have incurred the risk of destroying or disturbing this feeling by making it imperative upon the master to give those allowances to negroes under all circumstances. I give the Committee, candidly, my view of this subject as a measure of policy, independently of the very strong opinion which I have, that under the law of Jamaica, it was utterly impossible to regard those indulgences as having acquired the force of custom, entitling the negroes to regard them as matter of right. I believe it would turn out, as is stated by Doctor Madden in the course of the evidence, that there are very few instances indeed in which those indulgences have been withdrawn; yet still to have told the negroes that they should, at all events and under all circumstances, receive those indulgences as matters of right, and not as proceeding from the kindness of their employers, would have been most unwise. It would have been little calculated to promote that relation which it is so desirable to cultivate between them and their employers during the apprenticeship, and which it is so desirable also should exist when the apprenticeship terminates. The real interests of all require that there should be the best possible feelings subsisting between them and the persons in whose service they engage.

2731. You have stated that you considered the practice of giving indulgence to negroes not to have been an uninterrupted practice?—Certainly not.

2732. If you put out of the question the cases of this kind on the part of the negroes, the instances in which those allowances were stopped for any misconduct, do you conceive that in other respects it may be considered to be an uninterrupted practice?—Certainly not; there have been periods when from utter inability on the part of the owner to provide them, those allowances were not given. I might refer to the period when the Berlin and Milan Decrees prevented the sale, on the Continent, of coffee, and when there was an enormous quantity of coffee remaining in the warehouses of London unsold; a numerous body of coffee planters had not the means of granting the indulgences.

2733. Are you able to state to the Committee, since the passing of the Abolition Act, whether the habit of granting them indulgences has been restricted, compared with what it was before?—Speaking from my own experience, and from that which I have heard from others, I am not aware that they have been restricted; if you were to ask London merchants as to the supplies sent to Jamaica, I believe they would tell you that the amount of their invoices of supplies sent to the colony had not been diminished, but had exceeded that of former years.

W. Burge, Esq.

21 June 1836.

2734. Will you turn to the 11th section of the imperial Act, commonly called the Emancipation Act; it is there stated, "That during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be, and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as by any law now in force in the colony, to which such apprenticed labourer may belong; an owner is required to supply to and for any slave being of the same age and sex as such apprenticed labourer shall be." What do you conceive was meant by the Legislature by the words "maintenance and allowances?"—The "maintenance and allowances" which the owner was required to provide for the negro under the Slave Act then in force, because I see in this section words which by no possibility could refer to customs of the description which have been mentioned. The words are, "as by any law now in force is required;" those are expressions which would not be used in speaking of the allowances which it was in the power of the master to withhold, and which were neither uniform or defined in quantity or quality.

2735. Was there any law in Jamaica which guaranteed to the slave a certain quantity of food and clothing independently of those allowances which have been spoken of?—No, the sole law which relates both to the provision ground and maintenance and allowances, is that Act which is called the Slave Act, which was in force at the time the Emancipation Act was passed.

2736. Does that Act guarantee to the slave a certain quantity of food and clothing?—Yes; that Act regulates the food and clothing to be provided.

2737. And the allowance that the slave received was over and above that which the Act required?—Yes, it was over and above that which the Act required the master to give.

2738. Mr. *Buxton.*] Were you present at the debates in the House of Commons upon the subject of the abolition of slavery?—Yes, I was.

2739. Did you hear the very able and eloquent speech of Mr. Patrick Stewart, in which he impressed upon the House so strongly that the slaves would be in a wonderfully improved condition, because they would have all the allowances to which they were habituated before hand, and they would have a certain number of hours in the week into the bargain?—I take great demerit to myself at not being able to recollect every word of the admirable speech which Mr. Patrick Stewart made upon that occasion; but I am not able to bring to my recollection the passage to which you refer.

2740. Mr. *Gladstone.*] Is it true, or is it not, that they have those allowances?—Decidedly so; that is my impression.

2741. Mr. *Buxton.*] You confidently say that they do not pay for those indulgences by working in the time which Parliament had given them?—I am not aware of any instances of the kind.

2742. Are you aware that the Governor, in papers that have been laid before Parliament, has repeatedly said, that the negroes gave up their extra time for allowances, by the recommendation of the special magistrates?—I do not immediately recollect any paper in which that is said by Lord Sligo; I would much rather, upon the actual details of what has taken place since the emancipation, refer to the testimony of gentlemen who have recently come from the colony, because I must only give you information at second and third hand.

2743. Are you acquainted with Mr. Shand's evidence before the House of Lords?—I am not quite certain whether I have read Mr. Shand's evidence since the time it was given before the House of Lords, and I am not even sure that I have read the whole of his evidence as given there; certainly not since the Committee sat.

2744. He states, in page 188, "Did the slaves possess property? Yes.—Of what description? They had their provision grounds, in the first place, which were considered as sacred, although not their immediate property, but the property of their master; no one interfered with their ground."—Again, "Their property, though not sanctioned by law, was nevertheless not interfered with by the proprietor; there was nothing more sacred than the negro's property; this was the case when I first went to Jamaica, and it was a common saying among the negroes in the parish of Vine, where I lived shortly after going to the island of Jamaica, the property on Kellets, 'What is my master's is for me, but what

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is for me is not for my master; meaning that they have a right to their master's property as well as their own, but that their masters had no right to theirs." Was salt fish considered part of the allowance of the negro?—Not an allowance prescribed by the Slave Act; it was one of those articles with respect to its amount, and so on, which fall within the description of what I call indulgences; that is my conceptionof it.

2745. You do not think that salt fish comes under the head of maintenances and allowances granted by law?—No, I believe not under the law.

2746. Do you concur in opinion with Mr. Shand as to the sacredness of the property referred to?—I believe I stated as much myself in the course of my evidence respecting the negro grounds, referring particularly to them, and I remember alluding to an anecdote that was told me of negroes upon the property of Mr. Watson Taylor. It has been considered by negroes that their grounds and their houses and their lands formed, in fact, a property which the master was not to interfere with. I have known instances in which the master had given them compensation for damage done to their grounds by dragging timber through a part of them.

2747. Have you not formerly stated that the property of the negro was as sacred to him as if it had been guaranteed to him by law?—I believe my evidence upon that subject with reference to what I was then speaking of, namely, negroes' grounds, and so on, is very much to that effect; the passage in my examination I should prefer referring to; it is in page 974: "Before the law of 1826, which gave the right of property to the slave, was property always from usage held sacred when possessed by a slave?—Always; in the course of my 20 years' residence in Jamaica, in continued communication with the slaves, frequently referred to by them whenever they had any cause of grievance, I never heard an instance of an owner or any other person depriving a slave of his property or withholding from him any property belonging to him; this is one of the peculiar features of colonial society, which I would select as the best illustration of the force of usage, for I believe if any proprietor, if any person, whatever was his station or condition, withheld from his slave the property belonging to that slave, it would have been an outrage completely revolting to the feelings of the community. Of this I speak with perfect confidence.—— In respect of their provision grounds, has it not been usual for proprietors and managers to leave them in undisturbed possession, and to permit the possession of such provision grounds to descend to their posterity, or to such persons as they wish to enjoy them after them?—Exactly so; a slave being once put into possession of his provision grounds, considers them completely his own property, and he is allowed to dispose of them to such of his family as he pleases; in short, those acquainted with Jamaica know that if from any cause it becomes necessary to remove the slaves from one property to another, or even change their provision grounds on the same property, the greatest difficulty is found in reconciling them to the removal or change; very considerable sums are paid to them by way of compensation for their former grounds. A person having to remove slaves must first of all furnish them with new houses and plant new grounds for them, and give them a compensation for the grounds they have already, independently of their being at liberty to go back and take all the provisions remaining in those grounds. I heard from the late Mr. Simon Taylor, that adjoining the houses and gardens of the negroes on one of his estates were some cocoa-nut trees which had grown up, and were supposed to render their habitations unhealthy; but it was with the greatest difficulty, and after a length of time, and by giving them money, he could prevail upon them to allow him to cut them down. I mention this as an instance of the great respect paid to their grounds and their property." Now I have no hesitation in adhering to that representation which I gave them.

2748. You still think that usage has the force of law?—With respect to the subjects to which my evidence referred, one of the instances of usage which I mentioned was that of their being possessed of horses, which was for many years in distinct opposition to the law; but, in point of fact, they were in possession of them and kept them upon their masters' grounds, and I never heard of an attempt on the part of the masters to take from them that property.

2749. You found, as far as provision grounds were concerned and property was concerned, that usage had the force of law?—Yes.

W. Burge, Esq.
21 June 1836.

2750. Did you mean to say at that time, that with regard to allowances it had not the force of law?—I do not know that I expressed an opinion on the subject of allowances; but if the question was put to me, whether I considered that allowances were a matter of right, which the negro could claim as matter of right, and which if the master withheld, that master could be compelled to deliver to him; I do not think I should have expressed that opinion.

2751. *Chairman.*] But you would not have said that the negro held his provision ground as matter of right?—No.

2752. Do you mean to draw a distinction between the species of right which the negro had, or the custom equivalent to right which the negro had in his provision ground, and in his personal property and allowances?—Yes, and for this reason, that the law compels the allowance of the negro grounds by the master.

2753. In the case of horses, they have the horses against the law?—Yes.

2754. What distinction do you draw?—I should have said, with respect to a property of this description, that as the master had permitted the negro to have horses, he must enable the negro to dispose of them, if he did not like that the negro should continue to keep them on his pasture; that the master could not take them as his own.

2755. Mr. *Buxton.*] Do you think that there is that distinction?—I really do; I think it is important that there should be this distinction, for the reason I have just given.

2756. Do you think that the allowance which they held by usage had not the same force as the provisions that they held by usage?—I am speaking of those allowances which the master could withhold, as stated in the case laid before Mr. Batty, which are given in some parishes and not in others, which are given in different times, and which varied in quantity and quality, as to the times when they were given; I do not believe I ever stated that with respect to these the negro could ever claim them as matter of right.

2757. Claim them as matter of right you did not state; but did you state that he could claim them by usage, and that usage had the force of law?—I do not think I ever said he could claim them by usage.

2758. This is the paragraph in your evidence, in page 970; "If your lordships looked merely at the written laws which regard the condition of the slaves, you would do great injustice to the colony; you must inquire, not only for the written law, but the usage; I apprehend it will be found in every slave colony, certainly in Jamaica, that the usage goes infinitely beyond the written law in favour of the slave; in some instances enlarging those provisions which are beneficial to him; in others mitigating; in others superseding enactments of discipline;" and so on?—The term "provisions," there used, has no relation whatever to articles of food; it is used as synonymous with "enactments." I have not read the whole of the evidence since I gave it in 1832; but I do not think you will find that I have stated that the negroes had a right to these allowances founded on any usage.

Veneris, 24° die Junii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. William Gladstone.
Mr. Andrew Johnston.	Mr. Baines.
Mr. Thornely.	Sir Stratford Canning.
Mr. Charles Lushington.	Sir George Grey.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq., called in; and further Examined.

W. Burge, Esq.
24 June 1836.

2758*. *Chairman.*] HAVE you anything to add upon the subject of allowances?—I would call the attention of the Committee to the law of Jamaica respecting the provisions, the grounds, the clothing, &c. which were required to be furnished by the owner, as it existed at the time the Slavery Abolition Act was passed; the Committee will then perceive that at this time the distinction between

between what the written law of Jamaica required, and the usage of the nature I have defined, must have been perfectly well known to His Majesty's Government, and to all those who were taking a part in the enactments which should be introduced into the Abolition Act. The consolidated law was that particular law which imposed on the owner the obligation to provide the necessary grounds, clothing, &c. for the slaves; I will not refer to any earlier consolidated slave law than that of 1816; that Act contained all the legislative enactments which imposed upon the owner of slaves the obligation of providing those grounds, food, maintenance and so on. That Act received the express approbation of the Government of that day. In 1826, that consolidated slave law passed under the revision of the Legislature, with a view of introducing further changes more immediately affecting the personal condition of the slaves; it enforced the regulations of the Act of 1816, respecting provisions. In the observations which Mr. Huskisson, the then Secretary of State, communicated to the then Governor of Jamaica, respecting that Act, there was no disapprobation of this part of the Act. The clauses which caused its rejection had no relation to this subject. The Act, in all other particulars, received the approbation of the Government. The slave law of 1831, which was that in force when the Slavery Abolition Acts of the Imperial Parliament and of the Jamaica Legislature were passed, and is that to which the Jamaica Abolition Act refers; its enactments imposing the obligation on the master to provide maintenance, grounds, clothing, &c., were the same as those of the preceding slave laws of 1816 and 1826. They had never been complained of by any of the Governments of this country. Lord Stanley, in his despatch, which I am now about to read, expressly recognizes the adequacy and sufficiency of the enactments respecting the *necessary* clothing and maintenance, &c. of the slave population.

2759. Mr. *Johnston.*] What is the date of that?—The date of the despatch is the 20th of February 1834, which communicates the order of His Majesty in Council, declaring that adequate and satisfactory provision have been made by the Jamaica Abolition Act; the passage in his letter is in these words: "I would advert to one other point, rather with a view of calling the attention of the Legislature of Jamaica to the subject, than of stating my opinion that the Act as it stands is defective. The British Act requires that the apprenticed labourer should receive from his employer such supplies of food, clothing, medicine and medical attendance as the slave might have claimed by law in each respective colony, and that regulations should be made on these heads where the existing law is either silent or inadequate. I am happy to admit that I do not find the inadequacy of the law of Jamaica on these subjects made matter of remonstrance by any of my predecessors in commenting upon the several provisions of successive slave laws, nor do I find that complaints of their insufficiency have been made by the slaves in any single case; I am bound therefore to consider them as adequate for the purpose." Now, I read this passage for the purpose of showing that the Government has looked always at the enactments of the slave law, and to those enactments only, as imposing on the owner the obligation of providing requisite maintenance for his slaves; and in looking to those enactments, Lord Stanley himself admits that his predecessors had never found fault with those enactments, and that no complaint of their inefficiency had been made on the part of the slave population. Now, it is evident that the Jamaica Slave Act has been considered as the only law obligatory upon the owner as to supplying his slave or his apprentice now with grounds, provisions, clothing, maintenance, &c., and that it never entered into the consideration of the Government to require that those articles which are called indulgences, and which are of the nature stated in the case laid before Mr. Batty and the Attorney-General, should be made the subject of an express enactment, and be imposed imperatively upon the master.

2760. Have you any objection to put in the remainder of the paragraph?—None at all. I intended to read it, and I have marked it, as you may see, with an observation as to the medicine, and a reference to the enactment, in compliance with Lord Stanley's suggestion: "But looking to the very loose terms in which they are couched, especially in respect of medical attendance in case of sickness, I think it right not to pass over this subject without reminding the Legislature, that as the *interest* of the master in the recovery of the sick apprentice, more especially towards the close of the period, will be much weaker than it would have been in the corresponding case of the slave, it may deserve consideration

W. Burge, Esq.

24 June 1836.

whether a proportionate strictness of legal obligation may not be desirable." Now, I have noted opposite to this, that this suggestion of Lord Stanley's was attended to, as the Committee will perceive in the enactment since made by the Jamaica Legislature, and which is to be found in page 283. It expressly imposes upon the master the obligation "of furnishing the same medical attention and care as had been heretofore customary, and that the negro should, in like manner, be subject to all such necessary sanatory restraint and control, as the medical attendant shall direct." I have no hesitation in stating, that even independently of that clause, the enactments which were contained in the former Act imposed upon the owner the obligation to provide requisite medical attendance for his slave, that I should have felt no hesitation in indicting a person for withholding necessary medical attendance, as much as I should have felt myself justified in indicting him for withholding necessary food or support; and if I had seen the clerk of the Crown between the last meeting of the Committee, I should have been able, perhaps, to have distinctly mentioned an instance where I had indicted a person for having neglected to provide requisite medical attendance for one of his negroes. The only objection, therefore, which is made by Lord Stanley, in commenting on the enactments of the slave law, as to the maintenance &c., of the negro, respects the medical attendance, and that was completely removed by the provision in the Act to which I have referred.

2761. The Committee observe, in page 283, that it is stated "that the apprenticed labourer, in sickness, shall receive the same medical care and attention as has heretofore been customary;" do you mean to say, that this clause of the Act has fulfilled the wish or expression of Lord Stanley, contained in the despatch?—I do mean to say that it has completely fulfilled it. With the exception of the case to which I have just referred, in which there was a prosecution, I had never heard, during the 20 years I was in Jamaica, a complaint respecting the neglect to afford proper medical attendance on any slave. I am quite satisfied, that if a such a neglect had occurred, it would have been treated as an indictable offence, and that the party would have been punished for it.

2762. Mr. *Gladstone*.] Do you think that the immediate pecuniary interests of the employer very obviously coincide, in this case, with the dictates of humanity and justice, under what you conceive to be the law?—Clearly so. During the continuance of the apprenticeship, the person entitled to the services of the apprentice has an interest that he should be in a state of bodily health to render those services effectively.

2763. Do you think that that consideration is materially weakened by the circumstance, that the negroes are for the most part under the care, not of their masters, but of intermediate persons?—Previously to the passing of the Act, I never saw any indisposition, but in the single instance I referred to, to provide requisite medical attendance. If such an indisposition should exist, the special magistrate has full authority to interpose, because it is impossible to read the clauses of the Abolition Act and not see that the special magistrate is directly required, upon all occasions, to enforce the obligations which attach upon the master towards the apprentice.

2764. The particular point to which the Committee meant to direct your attention was this, whether you thought that the managers were alive, as well as the employers, to that coincidence of the interest of the employer with the health of the apprentice?—I think quite so.

2765. Sir *George Grey*.] How does that clause carry into effect Lord Stanley's recommendation, that there should be a proportionate strictness of legal obligations under the apprenticeship, in order to meet the lessened interest of the master, towards the close of the apprenticeship, in the recovery of the sick apprentice?—That clause requires the same medical attendance to be given to the apprentice as had been given to him in a state of slavery. I really do not know what more precise or definite regulations could have been adopted.

2766. How is the same medical care and attention which had been given in a state of slavery defined, because the objection that Lord Stanley makes seems to be to the loose terms in which the obligation was couched in the law; his objection does not appear to have been to the adequacy, but to the want of sufficient accuracy in the terms in which the law expressed the obligation?—I apprehend that the question in every case would be, whether medical attendance adequate to the state of health of the negro had been bestowed; I do not know how it is possible to define it. The adequacy or inadequacy of the medical assistance,

assistance, in other words, the number of the medical practitioner's visits, the length of time he remained on the plantation, must necessarily depend upon the state of the disease of the patient. I am not aware of any language in which the enactment could be more explicit.

2767. Do you conceive that the test by which the special magistrate would now try the sufficiency, would be the previous custom during slavery of medical attendance and medical care?—Not merely the previous custom, but also the sufficiency of it with reference to the state of the negro in each case; the law would not be satisfied if it could be proved that, from the state of the negro's health, there was not sufficient medical attendance given him by the medical practitioner.

2768. Then you think that the effect of the law at present is to give the special magistrate the power to determine as to whether he has sufficient medical attendance?—Clearly so; the preamble to the 19th section is to this effect: "And for securing the effectual superintendence of the said apprenticed labourers and the execution of this Act, be it further enacted, that the Governor may, and is hereby empowered to issue, under the public seal of this island, special commissions to one or more person or persons, constituting him or them a justice or justices of the peace for the whole of the island, or for any parish, precinct, quarter or other district within the same, for the special purpose of giving effect to this present Act, and to any laws which may hereafter be made for giving more complete effect to the same, and every person to or in favour of whom any such commission may be issued, shall, by force and virtue thereof and without any other qualification, be entitled and competent to act as a justice of the peace within the limits prescribed by such his commission, for such special purposes as aforesaid but for no other purposes." Then comes the proviso, that the Governor may call a special committee; then comes clause 20: "That the special commissions as aforesaid (and no other magistrate or justice of the peace in the island) shall have, exercise and enjoy a sole and exclusive jurisdiction over, and shall solely and exclusively take cognizance of all offences committed or alleged to have been committed by any such apprenticed labourer, or by his or her employer, in such their relation to each other, or of the breach, violation or neglect of any of the obligations owed by them to each other, or of any question, matter or thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services."

2769. Are the plantation hospitals open to the inspection of the special magistrates?—I never heard of hospitals upon an estate being closed against any magistrate; I should consider it an extremely suspicious circumstance if the manager upon an estate refused to let the special magistrate enter an hospital if he asked to do so.

2770. Do you think that by law the special magistrate has a right to insist upon visiting plantation hospitals, in order to see that this clause is carried into effect, and sufficient care and attention bestowed upon the apprentices?—I consider that the special magistrate would have a right to call before him the medical person who attended the estate, the person who had the care and the charge of the hot-house, and he would also call for the book which was kept in the hospital by the medical person, and in which his visits, prescriptions, and the state of the patient on each visit are entered by him; this book is kept in the hospital of every plantation.

2771. Do you conceive that there is any place in the estate to which the special magistrate has not a right to have access, for the purpose of seeing the apprenticed labourers who may be in that place at the time of his visit to the estate?—I apprehend there is no place upon the estate to which he might not, in the execution of his commission and for the discharge of his duties, resort to see the apprentices, whether in the hot-house or in their houses.

2772. Mr. *Gladstone*.] And you think further that a special magistrate has the power to summon parties before him with reference to the general welfare of the apprentices, without any particular complaints having been made before him by a particular party?—I think so.

2772*. In fact there he may be the initiatory in the proceeding?—I think so.

2773. Mr. *Johnston*.] Have you any recollection of the evidence given before the House of Lords, immediately before the abolition of slavery?—Yes; I had

W. Burge, Esq.

24 June 1836.

I had not read the evidence for a considerable length of time, till I had my attention called to it on the last day of the Committee's meeting.

2774. Were Messrs. Baillie & Shand, who gave evidence before the Lords' Committee, experienced planters?—They were.

2775. The Committee would call your attention to two answers to questions that were put at the foot of page 149; will you be so good as to read them to the Committee?—The following is the passage in the evidence:—

"The remainder of the 365 days in the year the slave works exclusively for his owner, what other compensation has he for his labour than his hut and his clothing?—I observed before that there is no such thing as a hut for residence in Jamaica now; he has his house, his clothes, his privilege of keeping his stock and feeding it upon his master's property, and during crop using the cane-tops for his pigs; his family have access to the boiling-house, and have the use of hot liquor during crop.——That is the half-made sugar, is it not?—It is before it comes to half; it is warm liquor, not syrup. Then he has a medical man to attend him, the use of an hospital and nurses when sick; the use of provision ground that costs me 15*l.* an acre; garden ground, in which there are fruit trees; meat and port wine provided when they are sick, and whatever other necessaries they may require, which are ordered by the doctor; blankets for the sick, salt fish at Christmas and at harvest-home; herrings once a-week; oatmeal, as I stated before, for the children; and a pot boiled every day in the year, with the exception of Sunday, for the children, when any adult negro may call for a mess, if he chooses; then in breaking in corn there is generally a proportion given to the gang."

2776. Will you be so good as to turn to page 236 of the same evidence. This is the evidence of Mr. Shand; will you be so good as to read from the middle of the page?—

"What is the cost of clothing for each grown slave at present?—I have no reference to invoices, and may be mistaken; but I reckon that the herrings would come to 30*s.* per barrel, 10*s.* for each negro. An able negro gets upon my estate at least 12 yards of Osnaburghs,—I said 10 in my former evidence, but that is the average quantity I send out,—five yards of baize; a woman, five yards of long-ells, besides the allowance to men, a cap, a hat, a handkerchief, needles, thread, thimbles and scissors; they receive tools and pots when they have occasion for them, locks frequently. I have reckoned the Osnaburghs 6*s.* for each person; baize, 7*s.*; long-ells, 7*s.* to 7*s.* 6*d.*; hat, cap, handkerchief, knife, &c., 1*s.*; comforts and medicines, 2*s.*; herrings, 10*s.*; salt, 1*s.*; locks and pots, 1*s.* on the average. I do not reckon supplies furnished in the island in the above, such as rice and flour."

2777. Then a question at the foot of the page, will you read?—

"Are you quite sure, speaking deliberately, that the cost of the maintenance of each slave, including such maintenance as the master has to purchase, and his clothing, exceeds 20*s.* a year?—I conceive that it amounts to 40*s.* for the supplies from this country.——And that as applied to all the estates which you managed?—I mean the estates I am now in possession of.—The same observations will apply to the hundred estates which you managed?—Yes."

2778. Is there any difference, in reference to those allowances, between the law and the custom; and if so, will you be so good as to point it out?—None of those articles are enjoined to be given by the consolidated slave law, except such as may be considered to fall under the description of "ample and sufficient provision," in that particular clause of the Act which refers to the case of the owner not being able to furnish grounds. With respect to all those things which are mentioned in the reasons of Mr. Shand and of Mr. Baillie, which they represent to have been prevalent upon the different estates in which they are concerned, they rest upon the foundation, not of there being a positive law enjoining those things to be given, but upon its being the custom of the proprietor to give them, but a custom which he may discontinue, and which he exercised the power of discontinuing.

2779. Will you be so good as to turn to page 235 of the same evidence, the last line but two?—The answer is as follows:

"Should a proprietor be under the necessity of abandoning his estate, would he still be liable to support whatever negroes might be at the time upon

upon his estate?—He is obliged to support his negroes; he is obliged to import a certain portion of pickled fish, or something in the room of this article; I think a barrel for three negroes, great and small. I send out more than this quantity. He is obliged to furnish them with a certain quantity of clothing, and to have a specific proportion of good provisions as a reserve, in the event of drought or hurricane."

Now, if it be intended by this expression to imply that there was any express law imposing this obligation, I distinctly state that Mr. Shand was mistaken; but he is speaking there of the obligation resulting from his considering that those are the things which he should give so long as the negroes conducted themselves well, and so long as he or any other proprietor was in a situation to be able to give them.

2780. Will you be so good as to read the next question?—

"In case he should be obliged to abandon the cultivation, what would be done with the negroes?—He cannot abandon them; the law still remains in force."

What law remains in force?

2781. Sir *George Grey.*] What was the legal obligation upon the owner of the slave; was it a general one, that he should make "ample and sufficient provision" for his negroes, or a particular one, prescribing certain articles of provision and clothing, and other things?—He was under the obligation imposed by the law, of furnishing "ample and sufficient provision for his negroes," but not under the obligation to furnish for them those particular articles. I have found no law imposing such an obligation upon him, and when the question is asked, "In case he should be obliged to abandon the cultivation, what would be done with the negroes?" and the answer is given, "He cannot abandon them; the law still remains in force;" what else is meant but that the consolidated slave law and all its provisions still remain in force, binding upon the owner; that although he should be unable to continue the cultivation of his estate, he is not discharged from providing for his slaves; he cannot leave them upon the community; the law obliged the owner to provide for his slaves, not because he was proprietor of a plantation, but because he was the owner of the slaves; he must provide not only for those in health and strength, but for those who were aged and infirm; and there is an express provision in the law upon the subject; the owner could not release himself from that.

2782. He might substitute other food for herrings, if that afforded an equally ample provision?—Clearly so; and when herrings were at a high price, it was utterly impossible for many proprietors to import them into Jamaica; and instead of herrings, they gave salt fish imported from the North American possessions.

2783. Mr. *Gladstone.*] Do you suppose that Mr. Shand means that the owner was bound by the law in as far as it related to making an ample provision?—Clearly so.

2784. Mr. *Johnston.*] Will you refer to the consolidated law of 1831; will you read the 11th clause?—

"Be it enacted, by the authority aforesaid, that every master, owner or possessor of any slave or slaves, or his or her overseer or chief manager shall, under the penalty of 10*l.* for each neglect, cause the condition and the negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made, as in this Act is hereafter directed: and whereas in some parts of this island there may not be lands proper for the cultivation of provisions, or where by reason of long continuance of dry weather or other casualty, the negro grounds may be rendered unproductive, then and in that case the masters, owners or possessors, do by some other ways and means make good and ample provision for all such slaves as they shall be possessed of, in order that they may be properly supported and maintained, under a penalty not exceeding 20*l.*"

2785. Was not the evidence given by Messrs. Baillie & Shand, an interpretation put upon the section of the Act which you have now read, by experienced planters, with regard to the terms "an ample provision?"—I do not know what construction Mr. Baillie or Mr. Shand may have put upon that Act, but I am answerable only for my own construction of that Act. I do not know that they ever gave such a construction; I should hardly think that

W. Burge, Esq.

24 June 1836.

they could have given the construction that under these terms in the Act it was incumbent on the owner to provide those specific articles which are mentioned in their evidence.

2786. Mr. *Gladstone*.] Though Mr. Baillie and Mr. Shand, being planters of considerable experience, might be considered as good authority as planters in Jamaica, should you admit their authority as to the legal interpretation of the law, which must be determined by its own language and not by practice?—Certainly not.

2787. Mr. *Johnston*.] Who would have put an interpretation upon the terms here mentioned; what authorities in Jamaica would have put the right interpretation?—Those who are sworn to administer justice in any complaint made before them; that is, the local magistrates, before the exclusive cognizance of anything respecting apprentices was committed to the special magistrates; and in case of any neglect or breach of duty by the local magistrates, then the supreme court and assize court.

2788. But in the face of the terms to which the Committee have called your attention, "good and ample provision," is it your opinion that the allowances could have been conceived as customary, and not as legal?—I retain the opinion I have before expressed, that those allowances, both as to quality and as to quantity, and as to the time when they might be delivered, and as to the continued enjoyment of them, have no one character which may entitle the negro to insist upon receiving them as a matter of right; that is my construction of the law of Jamaica. I will state, that during the 20 years that I was in Jamaica, I never heard complaints made of a negro being in want of adequate maintenance and support. Lord Stanley tells you, in his despatch, that no such instance had been found in the Colonial Office.

2789. But then is it not a fact, according to your own knowledge, that previous to the abolition of slavery, the negroes received all the allowances which have been stated by Messrs. Baillie & Shand?—Not uniformly. Many of the articles mentioned by them were sent out as part of the supplies to the colony; for instance, scissors and knives, and thread and needles, for the purpose of making up their clothing, are considered as falling under the description of clothing; but there are other articles which are sent by some of the proprietors, but not by others.

2790. *Chairman*.] Do you conceive that without those allowances the negro is clothed and fed in an adequate manner?—The clothing, of course, the owner is obliged to furnish; he is required to furnish it by the express provisions of the law; the question refers to various other things, such as salt-fish, herrings and several other articles.

2791. But do you consider with respect to food, that if the allowance is stopped, the negro would be sufficiently and properly provided with food?—He has his ground, which is in point of extent adequate, not only for a supply quite abundant for himself, but would furnish him with the means of going to market, and of buying those particular articles; the grounds are of ample extent; the negro population throughout the whole island of Jamaica received negro grounds, affording them the means by which they could provide themselves with all those articles. I would say this, that no person who had local knowledge of the colony of Jamaica, and of the state of the population there, and whose notions were not derived from his experience of the small colony in which he had been accustomed to live, would put questions implying a doubt of the sufficiency of the maintenance and provision which the negro population of Jamaica would derive even from the grounds which are allowed to them.

2792. Sir *George Grey*.] Setting aside anything which does not rest upon strict legal right, what does the law require the employer to furnish the apprentice with?—The Jamaica Abolition Act adopts the terms of the 11th clause of the English Act; it enacts, that during the continuance of the apprenticeship "the person entitled to the services of every such apprenticed labourer shall be and is hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance and such other maintenance and allowances as by an Act, intituled, 'An Act for the Government of Slaves,' now in force in this island, an owner is required to supply to and for any slave being of the same age and sex as any such apprenticed labourer shall be." The 12th clause enacts, that the master shall "once in every year provide and give to each slave they shall be possessed of, proper and sufficient clothing, to be approved of by the justices

justices and vestry of the parish where such master, owner or possessor of such slave shall reside." The 13th clause requires "That every master, owner, proprietor or possessor of slaves, his or her overseer or chief manager, at their giving in an account of their slaves and stock to the justices and vestry on the 28th day of March in every year, or at the vestry which shall be held next after that day, shall, under a penalty not exceeding 20*l.* for every neglect, give in an account on oath of the nature and quantity of clothing actually served to each slave on such plantation, pen or other settlement, for the approbation of the justices and vestry as aforesaid, and shall likewise at the same time declare on oath, that he has inspected or caused to be inspected the negro grounds (where such negro grounds are allotted) of such plantation, pen or settlement according to the directions of this Act, and that every negro on the property has been allowed 26 days during the preceding twelve months, as directed by the 8th clause of this Act, and is sufficiently provided with grounds, or where there are no negro grounds, such ample provision as hereinbefore directed." Then I turn to the 17th, which is that which provides, and which is the explanation which may be given of that part of Mr. Shand's evidence with respect to the ability of the owner to discharge himself from the obligation to provide for his negroes, "That no master, owner or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor or otherwise, shall discard or turn away any such slave or slaves on account or by reason of such slave or slaves being rendered incapable of labour or service to such master, owner or possessor, by means of sickness, age or infirmity, nor wilfully permit any diseased slave to go at large and travel about; but every such master, owner or possessor as aforesaid, shall be and he is hereby obliged to keep all such slave or slaves upon his, her or their properties, and to find and provide him, her or them with sufficient clothing, and wholesome necessaries of life, and not suffer such slave or slaves to wander about," under certain penalties. Then in clause 51, is a direction respecting the manner in which they are to be supplied when they are admitted to the workhouse, and where of course they cannot have the benefit of their grounds: "That the keeper of every workhouse or gaol in this island shall, under the penalty of 10*l.* for every neglect, provide and give to every slave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions daily; that is to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full grown plantains, or eight pounds of cocoas or yams, and also one herring or shad, or other salted provisions equal thereto; and shall also, under the like penalty, provide and supply every slave confined as aforesaid with good and sufficient clothing where necessary." Those are the different clauses in the consolidated Slave Act imposing an obligation upon the master to provide requisite food, clothing and maintenance for his negroes.

2793. With reference to those clauses of that Act, and to the clauses of the Jamaica Act, 45 to 48, do you conceive that any provision made for the apprentices, which is not good and ample, would be a compliance with the strictest letter of the law now in force?—Clearly not.

2794. Do you think that it is possible that the law can sanction any provision which is not ample?—Clearly not.

2795. Who is the judge of that provision?—The special magistrate, under the two clauses of the Abolition Act, which I have read, is to determine upon that sufficiency. I refer particularly to those clauses, because there seems to have been a misapprehension respecting the exclusive cognizance which the justices and vestry would have of the provision which was made for old and infirm apprentices; it seems to be supposed that the special magistrate would not have cognizance of the sufficiency of that provision, but it will be found, on reference to those clauses, that the special magistrate has the sole and exclusive cognizance of the breach or violation or neglect of any of the obligations owed by them to each other. Now, if it be an obligation, as it clearly is, by the abolition law, to provide ample and sufficient clothing and provision, not merely for the apprentices in health, but for those that are aged and infirm, a violation of that obligation, whatever may have been the decision of the justices and vestry, falls under the exclusive cognizance of the special magistrate, so that you have not only the check of the justices and vestry in the first instance, but if they come to a wrong conclusion, you have the judgment of the special

W. Burge, Esq.

24 June 1836.

magistrate, determining, whatever may have been their decision, whether it is sufficient or not.

2796. Mr. *Gladstone*.] Previous to the abolition of slavery, did it belong to the magistrates to determine what clothing was ample and sufficient?—Yes.

2797. Do you conceive, since the abolition of slavery, that it still devolves upon the magistrates and vestry to determine what clothing is ample and sufficient, and that the special magistrate has only the ministerial office of enforcing their award, or that it now belongs to the special magistrate to determine, in the first instance, what clothing is ample and sufficient?—I am quite clear that the special magistrate has a perfectly independent cognizance of the sufficiency of the provision; but I do not think it clear that that question might not have been under the previous decision of the justices and vestry, because it might be extremely difficult to lay down any general rule as to the extent of provision grounds or the reasonableness of the distance; and that therefore all those things might, with great advantage, fall under the previous inquiry and decision of justices and vestry; if they come to a wrong decision, it is perfectly competent for the special magistrate to determine that that is a wrong decision, and though they have reported the provision to be ample and sufficient, when in fact it is not so, the special magistrate had full cognizance of the question, and his decision may be wholly independent of and directly the reverse of that of the justices and vestry. I do not conceive that under the terms of this Act the special magistrate is bound at all to consider whether it has been under the cognizance of the local magistrates.

2798. In the last resort, the special magistrate is absolutely the judge of the ample sufficiency?—Clearly the only judge; in fact the other could only be a direction to the party.

2799. Mr. *Johnston*.] Do you consider that the special magistrate then has the power to order the old allowances to be given to the apprentices?—I do not consider that he has the power to order the old allowances to be given, for the reason that I have stated, that I do not consider that those allowances could be claimed as matter of right; but if he saw that there was any insufficiency in the provision which was supplied by the master, he would be entitled to call for that provision being made up by him.

2800. Then you intend to convey the impression that the old allowances were more than what was amply sufficient?—I do consider them so.

2801. Did it belong to the magistrates and vestry to determine the clothing under the old law?—"Justices and vestry," under the language of that clause I have read, had cognizance of the sufficiency of provision grounds and of clothing, but if you mean to ask whether their decision was final, I say under the old law it was not.

2802. Were there not vestrymen who were not justices?—Clearly so; they must be freeholders, but they might not be magistrates.

2803. Was it a conjoint board of justices and vestrymen?—Yes; I have not immediately before me the Act which regulates the appointment of justices and vestry, so as to state the exact number of justices who must be present to constitute a legal board, but clearly there must be a certain number of justices at the vestry.

2804. In what manner can the special magistrate enforce his adjudication as to allowances?—The Act has provided the different penalties which are incurred by the party, who should make default in supplying the apprentice with that provision which, in the opinion of the special magistrate, was adequate and satisfactory.

2805. Sir *George Grey*.] What are those penalties; are they penalties comprized in the 45th to the 48th clauses of the first Jamaica Act?—Yes, beginning at 45 and continuing to 49; then the 49th clause directs "That all complaints made by any apprenticed labourer against the person entitled to his or her services, touching any fraud practised, or refusal to furnish any such apprenticed labourer with sufficiency of provision ground, or of other means of maintenance and support in cases where such apprentice hath no provision ground, or of illegally and improperly withholding from such apprentice any portion of the time allowed him or her to cultivate such ground, or of imposing task-work on any apprenticed labourer, contrary to the provisions of this Act, or of breach of any contract on the part of any person engaging the voluntary services of any apprenticed labourer, or of any cruelty, injustice or other wrong or injury done

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to or inflicted upon any apprenticed labourer by the person entitled to his or her services, shall be heard, adjudged and determined before any one or more special justice or justices, and he or they is or are empowered to punish any offender in any of these respects last-mentioned, with a fine not exceeding 5*l.*, and for default of goods and chattels whereon to levy such fine, the offender shall be committed to gaol until he or she shall pay or satisfy the same, but such imprisonment shall not exceed five days, provided that nothing herein contained shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed in the supreme or assize courts or the courts of quarter session, or common pleas, for any wrong or injury done to or committed against his or her property or person." I would take the liberty of mentioning here, in answer to the question as to the manner in which this clause would be enforced, that the 45th clause enables a special magistrate, in case there has not been ground adequate both in quality and quantity for the support of the apprentice, or if it be not of reasonable distance from his or her place of abode, to subject the party who is bound to furnish such grounds to a penalty not exceeding 5*l.* for each offence; but as it would be a continuous offence, there would be a series of penalties amounting to a very large sum, and the Committee will find the same observation equally apply to other penalties.

2806. Mr. *Johnston.*] To whom do the penalties accrue?—The clause in the Act states the appropriation of the penalties.

2807. The Committee will call your attention to clause 68, in page 282?—Yes, they are appropriated to the use of the island, and I will take the liberty of referring to the observation which Lord Sligo made upon that subject; that was one of the subjects to which Lord Stanley called the attention of Lord Sligo. Lord Stanley in the despatch, dated 20th February 1834, refers to this: "The 68th clause directs that these fines shall be applied to the use of the public of the island; as the Act has provided that the apprentice should compensate by labour the loss which his employer may sustain from indolence, neglect, non-performance of work or absence, it seems but reasonable that the special magistrate should have the power of compensating out of the fine the apprentice for the injury which he may have sustained from his employer; and I think that a clause should be introduced to that effect." Now here is Lord Sligo's answer to this observation, upon that which is called the eighth objection: "With respect to the eighth objection, the House of Assembly at once negatived any amendment, and I hope that on mature consideration you will have no reason to regret this. I must confess that were I an independent member of the legislature, I should not have consented to remove it. I am confident that where the character of the negro is known, it must be thought that it would not be an expedient alteration; at all events, it is not my fault that it was not altered."

2808. Then in fact the alteration has not been made?—That alteration has not been made.

2809. Has the special justice any other authority now than the three justices had under the 12th clause of the Act of 1831, regarding clothing?—By the 16th clause the law transfers to the special magistrate the duty of ascertaining whether the obligation imposed on the owner of providing clothing has been discharged by him, and of punishing him in case it has not been discharged; this is the effect of the two clauses, the 19th and 20th.

2810. The question is, as to any additional power conferred upon the special magistrate to that which the three justices had under the 12th clause of the consolidation Act of 1831; that Act being alluded to in the 16th clause of the Act which you have quoted, what is the language in the 16th clause as to clothing?—That clause commits to the special magistrate that duty which previously to the Abolition Act had devolved on the justices and vestry.

2811. Does the 16th clause do more than continue the obligation on the employer to provide the same amount of clothing for the apprentice which he had hitherto been bound to do for the slave?—No, I apprehend not.

2812. Sir *George Grey.*] Suppose the case of an apprentice complaining to a special justice of insufficiency of clothing, how can the special justice under the existing code proceed?—He would exercise an original jurisdiction upon the subject, quite exclusive of that which the justices and vestry might have done.

2813. Supposing that he were of opinion that it was inefficient, but the justices and vestry had certified it to be sufficient, could he punish the master for not providing sufficient clothing?—I conceive that he could.

W. Burge, Esq.

24 June 1836.

2814. Under what clause of this Act?—Under the 19th and 20th clauses. The 20th clause gives to the several justices of peace having special commission the sole and exclusive jurisdiction over "all offences committed or alleged to have been committed by any such apprenticed labourer, or by his or her employer in such their relation to each other, or of the breach, violation or neglect of any of the obligations owed by them to each other, or of any question, matter or thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services; provided that nothing herein contained shall extend or be construed to extend to abrogate or take away the powers by law vested in the supreme courts of record, or to the superior courts of civil and criminal justice in this island."

2815. You think that clause would give him jurisdiction in the case which has been put?—Yes.

2816. What clause would give him the power of imposing a specific penalty?—The 49th.

2817. You think the case which has been put would be that of "wrong or injury done to the apprenticed labourer?"—Yes.

2818. Which the special magistrate might punish the master for?—Yes, clearly; I have not a doubt about it. "Any wrong or injury done to or inflicted upon any apprenticed labourer by the person entitled to his or her services shall be heard, adjudged and determined before any one or more special justice or justices." I have not the slightest doubt that, under the 49th clause, notwithstanding all the justices and vestry should have certified upon the subject of clothing, the special magistrate has the sole and exclusive cognizance to consider that wrong or injury.

2819. Mr. *Johnston.*] Do you consider that there is any other obligation upon the employer of the apprentice than that of providing the clothing prescribed by the justices and vestry under the 12th section of the Act of 1831?—The 12th clause of the slave law requires that there should be found by the owner for his slave, "proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner or possessor of such slaves shall reside." The 16th clause of the Jamaica Abolition Act requires clothing and food to be provided for that apprentice; it recognizes as the obligation attaching to the employer of the apprentice the same obligation which had previously attached upon him in his character of owner of the slave; but the Abolition Act, instead of leaving the question whether that obligation has been discharged to the justices and vestry, transfers the decision of that question to the sole and exclusive jurisdiction of the special magistrate.

2820. From your own experience were the allowances alluded to by Messrs. Baillie & Shand general throughout the island of Jamaica?—I do not profess to have any experience of the internal management of estates; my professional and official occupations did not afford me time for visiting many estates. I would much rather that you would obtain information as to the details connected with estates from planters who are in this country. My belief is that those allowances were very generally given, but that there were times when they were, in fact, withheld. The question under the law would really be, whether the apprentice had sufficient grounds and provisions; whether he had adequate and sufficient maintenance, clothing, &c.

2821. Did you ever know any case where the allowance of herrings was withheld?—Certainly, there are continual instances in which, in consequence of the high price, herrings have been withheld, and there are as many estates in which herrings are not given, as those in which they are.

2822. And in those cases was any substitute given?—Salt fish, I have stated in a former answer, was sometimes given and sometimes not.

2823. Will you turn to the evidence of Mr. Shand, in page 188, commencing "How many properties were you concerned for?" will you be so good as to read that?—[*Witness reads*]—

> "How many properties were you concerned for?—I was concerned at one time for upwards of 100 properties of different descriptions, and upwards of 60 sugar estates."

2824. Sir *George Grey.*] Have you any knowledge of Mr. Shand personally?—Perfectly.

2825. Are you aware of his having had the management of many estates?—A great many. I suppose that he has had the management of that number, from the answer he gives.

2826. Mr. *Johnston.*] You read from the evidence of Mr. Shand, that he was concerned for 100 estates in Jamaica, and upwards of 60 which were sugar estates?—That appears in Mr. Shand's evidence.

2827. Will you be so good as to read the answer to the question near the bottom of page 244?—

"Out of 20,000 slaves I was then concerned for, I cannot be expected to give the names of the families."

2828. *Chairman.*] Have you any observations to make to the Committee upon the subject of the provision grounds of the negroes?—In the observations which I have already made respecting the allowances, I have adverted to the negro grounds. There is, however, a remark which I have to make on a statement to be found in Mr. Jeremie's paper; it is a comment upon clause 48, it is the second paragraph in page 20 in this paper. Mr. Jeremie says, "Section 48, provides that where the grounds hitherto appropriated to the negro are 'unproductive,' the master may withdraw them, provided he consents to make good and ample provision by some other way and means. Ought the bountiful rewards of Providence on the negro's private toil, with all the civil advantages derivable from the acquired habits arising out of fairly compensated labour, to be thus arbitrarily withdrawn? And if so, by whom, under the wording of this Act, is the adequacy of this substituted provision to be decided; by the special magistrate or his master? Then follows a proviso, 'That in such case no diminution of the 45 hours, as hereinbefore mentioned, shall take place.' This enactment, therefore, leaves the negro in such cases, with regard to the four hours and a half said to have been secured to him, entirely at the manager's discretion." It is with reference to the first part of this statement that I wish to call the attention of the Committee to the enactment itself, because it does seem to me that, without meaning any offence to the gentleman who wrote this paper, there is a singular misapprehension of this enactment and of its object,—a misapprehension which I should have scarcely thought it possible could have entered the mind of any one. It could not have been made unless there had been the impression on the mind of the writer that there was to be a presumption against the *bonâ fide* of the Jamaica Legislature that this Act of the Jamaica Legislature was not intended to fulfil the provisions of the Abolition Act. The preamble of the clause of the Jamaica Slave Act is omitted in Mr. Jeremie's statement. It was impossible to have stated it, and at the same time retain his observation. I now read the preamble: "And whereas in certain parts of this island there may not be lands proper for the cultivation of provisions, or by reason of long continuance of dry weather or other casualty the grounds hitherto appropriated for negro grounds may be rendered unproductive; be it enacted, that in such case the master, owner or other person, entitled to the services of such apprenticed labourer, shall by some other ways and means make good and ample provision for all such apprenticed labourers, to whose services they shall be entitled, in order that they may be properly supported and maintained, under a penalty not exceeding forty shillings for each offence." Now, this is the clause which is supposed to justify an observation in Mr. Jeremie's paper, which implies that this clause had been introduced for the express purpose of furnishing a pretext for the master to withhold from the negro those grounds which had been previously allowed to him. What is really the object of this clause? why, that instead of the negro being obliged to retain grounds which, from the length of time they have been in possession, or from other causes, may not be sufficiently productive, the master shall be obliged again to furnish him with other grounds, or an ample and sufficient provision; that the master shall not excuse himself from doing so by alleging that he had already allotted grounds which he deemed sufficient. Mr. Jeremie's paper represents this as "arbitrarily withdrawing grounds, to the prejudice of the negro." It is a provision introduced for the benefit of the negro, and for the express purpose of preventing him from sustaining any loss or prejudice from any casualty rendering that land which had been granted unproductive. Now, I do say that that statement could not have been made if the writer, in spite of his struggle against good feeling and good sense, had not been overpowered by the stronger feeling of prejudice against the Legislature of Jamaica. I would put my finger upon that clause as containing evidence of the intention of the Jamaica Legislature to remove every possible pretext of its being urged, as it might have been urged, that however ample and sufficient the grounds originally

allotted to him were, they had ceased to be so, and he was then injured. "Who is to judge of this; who is to determine whether this obligation has been faithfully performed?" The special magistrate. This clause cannot come into operation but at the instance of the negro, and where it is his direct interest to avail himself of it, namely, where the grounds originally allotted to him had ceased to furnish a sufficient provision. It is only in this case that the necessity for furnishing other grounds or provisions could arise. I think the answers given by the witness show the utter impossibility, in a colony like Jamaica, of fixing the minimum of land which should be allotted to the negro as his grounds, or of fixing the particular distance at which those grounds should be from the place of his accustomed residence. It may be practicable in a very small colony, and where there were no inequalities of soil and situation, but it would be quite impossible, in a colony like Jamaica, to fix it; it might be attended with the greatest possible injury to the negro if any one definite rule were laid down as to what should be the smallest possible quantity of ground allotted to him. But then it is supposed that you may lay down some general rule applicable to the particular parishes. You could not even do that, because I could name parishes in the island of Jamaica in which there would be a different rule applicable to different parts of that parish. I confess that I am quite unable to suggest any mode by which the Legislature, without injustice to the negro, could have defined with certainty the least possible allowance of negro land to be given in any case to the negro. It must necessarily be left to the superintending control which the special magistrate exercises, under the authority vested in him by the Abolition Acts.

2829. *Chairman.*] How would fixing a minimum act in any case unfavourably to the negro?—In one particular situation, three acres of land would not be equal to one acre in another situation; there is a great variety of soils. In the districts of the coffee settlements, there would be found land so rocky as to have an allowance made on that account. Again, in other places, the grounds which may be allotted to negroes may be, from having been long applied to that purpose, not so productive as one-sixth.

2830. Does not that argument rather go against fixing a maximum quantity of land, than to there being a minimum quantity fixed?—I took that very much from the suggestion which was made by a witness in the course of his evidence; he says, "At all events there should be some quantity."

2831. Is your objection to a minimum quantity of land fixed, of this nature; that it would probably act as a guide in fixing the quantity of land to the negro, and thus, in many cases, might act disadvantageously to him?—I think that this would be the natural tendency of it. Supposing this case, that the Legislature had said that every proprietor should allot three acres of land as provision grounds to his negro, that might be perfectly abundant in one parish or in one part of the parish, and ten miles off it might not be enough, and the difficulty would be in any legislative enactment to adopt a specific quantity, which should be equally sufficient in all parts of the island.

2832. That would be clearly a very bad principle; but do you think that there would be any practical evil arising from fixing as the minimum that quantity of land which, under the most favourable circumstances, would be sufficient for the provision ground of the negro?—How are you to try that minimum quantity? Must not each case be still a question, whether the circumstances are so favourable as to justify so small a quantity being allowed? If there be not a consideration for the particular circumstances of each case, the quantity fixed as the minimum on one spot may in another be wholly ruinous to the negro.

2833. If adhered to?—Yes.

2834. Could not the special magistrate prevent the principle of minimum being thus applied injuriously to the negro?—If the Legislature had prescribed a certain quantity of land which should be allotted to the negro, the special magistrate would have nothing more to do than to see that it was given.

2835. Mr. *Gladstone.*] Supposing that a minimum was fixed, and supposing the case of poor land in which that minimum would be insufficient, would the special magistrate be more likely to do justice to the negro upon a minimum being fixed against the master, than he would be if there were no minimum affixed at all?—No; the difficulty would be if it were fixed. If the exact quantity be not fixed, I take it that every special magistrate has the right to see whether

whether, with due regard to the sterility of the soil and other circumstances, that particular quantity of ground is sufficient for the negro, and I think it is better for the negro than to have prescribed a definite quantity. I really believe that that would be the feeling of any practical man in Jamaica, who was asked the question. I am quite sure that it is thus left by the law, not with a view to any particular advantage to the proprietor, but rather with a consideration for the interest of the negro himself.

2836. Sir *Stratford Canning.*] Do you think that would be the case if the negro should have a certain quantity of land, upon the supposition of its being of such a price, and if the special magistrate, upon inquiry, might make the quantity vary, according to the value of the land?—I do not think so. You only introduce another criterion, or rather the same criterion under another name, for determining whether the allotments be equal. I do not think it would afford a greater security to the negro than that he now has: the special magistrate has now to look at every thing which enters into the question, whether the allotment is or is not sufficient for the negro; he is unfettered as to the amount, the value and quantity, and every thing else; he has to gain all the evidence in his power, to see whether a sufficient provision can be raised upon those grounds. I think, with great submission, that it is left in a position much more advantageous to the negro as it now stands, than if there were any attempt to prescribe either value or quantity.

2837. Mr. *Johnston.*] In the Order of Council regarding Trinidad, dated 5th of June 1834, in chap. 4, sec. 6, it is enacted, "Every employer of the prædial apprenticed labourer shall be, and is hereby bound and required to set apart for every prædial apprenticed labourer so to be maintained, half an acre of land properly adapted for the growth of provisions, and not more than two miles distant from the place of residence of such prædial apprenticed labourer." Do the objections which you have stated to such a course as has been followed in Trinidad being followed in Jamaica, apply to this provision of the Order in Council?—I have never been in Trinidad. Such a regulation may be expedient and capable of being followed in Trinidad and in many of the smaller islands, but that would be no test for its being adapted to a large colony like Jamaica. I have a decided conviction that from the peculiarities of Jamaica it is not adapted to that colony.

2838. Mr. *Gladstone.*] From what you know of Trinidad, do you think that any such great inequalities of soil exist there as exist in Jamaica?—From what I know of Trinidad, there are not such inequalities of land there; the system may be feasible there, but if it were adopted in Jamaica you would have the whole negro population in arms, because in a great variety of instances the quantity would not be sufficient for them.

2839. Mr. *Johnston.*] In the 12th page of the paper given in, No. 2, it is declared, that "It should be the *ex officio* duty of the special justice to inquire into each of these particulars, and on all estates to fix the minimum quantity and the maximum distance;" do you concur in that opinion?—The statement would imply that there does not reside in the special justice a power to ascertain whether, with reference to the extent of land or its distance from the house, there was adequate ground provided in conformity with the directions of the law; now I consider that the special magistrate has ample power to satisfy himself in each particular case on both these points, and in both these points to see that what is adequate and sufficient is allowed to the negro. I have already stated that it may happen that the ground may have become less productive, and it may be necessary to have an extended quantity; all is provided for by the power given to the special magistrate of seeing that ample ground is given.

2840. Mr. *Gladstone.*] Are the negroes in the habit of growing plantains in Jamaica largely for their own consumption?—Yes, in all situations where the soil is suited for plantains; the plantain is one of the articles they also raise for sale at the market and to the proprietors.

2841. Are not plantains an exhausting production to the soil?—Very much so.

2842. Therefore may they not require change of provision grounds on that account?—No doubt.

2843. Mr. *Johnston.*] Would you have any objection to its being made the duty of the special magistrate to fix the minimum quantity and the maximum

W. Burge, Esq.

24 June 1836.

distance without waiting for any complaint by the apprenticed labourer?—I think the objection would still exist which I have already pointed out, that what might be very proper for a minimum quantity to-day may become this time twelvemonth not sufficient; and when I know that if the negro is not supplied with sufficient provision, he can at once make his complaint to the special magistrate and at once obtain redress, I think it is better, with the view of promoting kind feelings between the master and apprentice, that you should not impose upon the special magistrate more duties *ex officio* than are indispensably necessary. I do not, as I have already stated, consider that the interest of the negro requires that the interposition of the special magistrate to fix the minimum of grounds should take place. If the ground be insufficient, the apprentice can at once apply to the special magistrate for redress, and that would be afforded him; it would be a gratuitous and an unnecessary intrusion and interference of the special magistrate upon the property, which might and ought to be avoided, because the object could be attained without that.

2844. Do you think that there could be much objection, and that there would be any great intrusion in the special magistrate declaring what should be the minimum quantity and maximum distance in any given situation, leaving it to the planter to give as much additional ground as he chose?—I have stated my objection to it; I do not think that it would answer, even for the negro.

2845. Sir *George Grey*.] Would it not be necessary in that case for the negro to make a complaint, if an injury had been done to him by an insufficient allotment, and he required redress?—Exactly so. I have adverted to the evidence with respect to medical attendance, given by Dr. Madden. I collect the tendency of his evidence to be, that it was not in the power of medical men in the colony of Jamaica to bestow sufficient attendance upon estates; and he adverted particularly to the allowance which was made to those medical men for their attendance. I will state this, which did not seem to have fallen within the observation of Dr. Madden, that besides the allowance of so much for every negro on the estate, whether in health or sickness, to the medical man, he is bound to attend upon the estate whenever he is sent for, and to remain on the estate, in cases which require his constant personal attendance, the whole night he does so; that besides that allowance which I have mentioned, he is paid for all surgical operations which are performed; and, generally speaking, the medical men in the country reside in so central a situation, that they have an opportunity of visiting the estates, not merely once a week, as is supposed, but that there are few estates in which it is not required that, whether there are persons sick or not, the medical man should visit the estate, sometimes four and sometimes three times a week. I am not aware that it is a correct representation of the state of medical attendance in Jamaica, to describe it as at all insufficient. The diseases which are incident to a tropical climate are comparatively very few; and the medical men in Jamaica, as far as my observation has gone, are persons fully equal to the trust which has been committed to them. The same medical man who attends the negroes on a plantation, attends the proprietor, attorney or manager, if he is sick.

2846. *Chairman*.] In the event of the medical man being required to remain the whole night upon the estate, would he receive any extra remuneration for that?—No.

2847. Mr. *Johnston*.] Do you mean these observations as to the medical attendance to apply to the law, or to the present practice?—To both. The law requires that the proper medical attendance should be supplied, and the practice, as far as my own observation went, was, that there was proper medical attendance.

2848. In those observations you alluded to Dr. Madden?—I rather think that it is in Dr. Madden's evidence alone that the allusion is made to the character of medical men in Jamaica.

2849. Have you given your evidence as acquainted with the present practice?—I have given my evidence with reference to the practice as it existed where it fell under my own personal knowledge; and I am not aware that in that space of time the character and qualification of the medical men have altered.

2850. You do not mean your evidence to apply to the present practice?—Not to my personal knowledge of the present practice; but I mean that my observations should convey my belief that the present practice has not deviated from that which existed in the island of Jamaica when I was on it; I have no objection, upon a question of that kind, to pledge my belief that the practice is the same.

2851. Sir *Stratford Canning.*] Is that impression stated by you founded upon any positive information, or upon an ignorance of any change having taken place?—Upon an ignorance of any change having taken place, and my knowledge that there are many of the medical men remaining in Jamaica now who were there when I resided in that colony.

Martis, 28° die Junii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.
Sir George Grey.
Mr. Thornely.
Mr. Andrew Johnston.
Mr. Buxton.
Mr. William Gladstone.
Mr. Charles Lushington.

MR. LABOUCHERE, IN THE CHAIR.

Captain *William Oldrey*, called in; and Examined.

2852. *Chairman.*] YOU are an officer in the navy?—I am a commander in His Majesty's navy.

2853. Were you one of the special magistrates appointed for Jamaica?—I was.

2854. When did you go there in that capacity?—I left England in October 1833, and arrived in Jamaica on the 4th of December in the same year, and in March I was appointed a local magistrate to St. Elizabeth and also to Manchester.

2855. How long did you continue to perform the duties of a special magistrate in Jamaica?—My duties commenced on the 1st of August 1834, and I continued till the 20th of April following.

2856. Mr. *Gladstone.*] How were you occupied during the interval; you arrived on the 4th of December, had you any official duty to perform till the 1st of August 1834?—I had.

2857. Of what nature?—I was employed in most parts of the parish where there were apprentices, from forty and upwards in number, for the purpose of reading the different proclamations from Lord Mulgrave and from Lord Sligo, and to explain the law; I did all I possibly could to prepare the negro mind for the new state that they were about to enter into.

2858. Were you also employed in making yourself acquainted with the general circumstances and condition of the negro population?—I was.

2859. In what parishes were you?—St. Elizabeth.

2860. Was your experience confined to St. Elizabeth?—Principally.

2861. Mr. *Buxton.*] Are there many sugar estates in St. Elizabeth?—There are a great number.

2862. Then your experience was principally directed to the negroes in those districts where there was a good deal of sugar cultivation?—I should have added breeding pens for cattle, likewise sugar, coffee, pimento, ginger and other colonial produce.

2863. *Chairman.*] Is it a very large parish?—Very large.

2864. Do you know the extent of the parish?—I do, its extreme is about thirty-six miles from north to south, and about thirty-two from east to west.

2865. Do you know how many apprentices there were in that parish?—Between eighteen and twenty thousand, I believe.

2866. Do you know how many plantations there were?—I cannot exactly recollect the number, there were a great number.

2867. Mr. *Buxton.*] What were the circumstances which led to your resignation?—I found the duties too onerous, that was one reason. Secondly, the salary was not equal to the expense that was entailed upon me, even for travelling expenses. The third, ill health; and the fourth, from the persecution that I met with.

2868. From whom?—One in particular was Mr. Mason.

Captain *W. Oldrey.*

28 June 1836.

2869. Was that persecution from the planters or from the Governor?—From the planters.

2870. Mr. *Gladstone.*] When you say that you found the duties too onerous, are the Committee to understand that you mean that they were too onerous with reference to the weak state of your own health or beyond the average strength of men in general?—Beyond the strength of any man.

2871. Mr. *Buxton.*] What were the circumstances that you allude to when you say that you were exposed to persecution?—Several actions were commenced by Mr. Mason against me for trespass, that trespass arose from my having issued a summons or summonses for his apprentices to appear before a court that was ordered by the Governor, and further, in consequence of my having brought his conduct before the public tribunals.

2872. Proceed, if you please, to state the circumstances which led to your resignation, as to the circumstances of persecution to which you have been exposed.—Mr. Mason commenced various actions against me; fourteen I was threatened with at first, which, I believe, were condensed ultimately into three; one for 2,000 *l.*, a second for 2,000 *l.*, a third for 5,000 *l.* currency, all for alleged injuries that he sustained by that trespass.

2873. Will you be good enough to state from the beginning the circumstances which led to these proceedings on the part of Mr. Mason?—I was summoned by Mr. Mason to attend at his property, Content Hall pen, to try some of his apprentices for disobedience of orders and neglect of duty, and other irregularities, and to swear in his constables.

2874. At what time?—About the 12th of August 1834. I had also received complaints from one of his apprentices, that they had neither medicine nor medical attendance; that they had not their legal clothing, and that one of the apprentices would die, unless medical attendance was given to her. On my going upon the property, on the 20th of August, I intended to have sworn in the constables; I asked Mr. Mason for a Bible, and he handed me a bundle of leaves, apparently in Hebrew; it might have been a small part of a Hebrew Bible or Hebrew Testament for aught I know; he said it contained a part of the Holy Scriptures. I told him it was not sufficient to have a part, but that I must have the whole. He then gave me a small duodecimo volume in Greek, one of the Greek poets, I believe. I told him, "that I could not swear his constables on a profane work." He said, "that it was immaterial; that it would do." I told him, "that it might do for him, but it would not do for me." Mr. Mason was a local magistrate at the time, and I told him, that as a magistrate, I was surprised at his offering me a work of the kind; the consequence was, that I could not swear in his constables, neither could I try his people, not having a Bible with me.

2875. Mr. *Gladstone.*] He refused to produce any other?—He had not a Bible in the house, which is not a very uncommon thing either in that country.

2876. Excepting this Hebrew Bible?—It was a bundle of leaves; he told me that it was a part of the Holy Scriptures; probably it might have been one of the books of Leviticus; I do not understand Hebrew; it was a loose bundle of leaves.

2877. Mr. *Johnston.*] What were you requiring at that time; did you require a New Testament or the whole Scriptures?—I required the whole Scriptures to swear the apprentices upon; I should have preferred having the Bible and Testament together, because many of the apprentices may not be altogether thorough Christians; they may believe in a God only, and therefore I preferred the Bible and Testament collected together, and I used to carry one with me in general; but on that day I had left it at home.

2878. Then it was your usual practice to use the whole Scriptures?—I had a Bible and Testament, which I used to carry with me.

2879. Mr. *Buxton.*] And you did not like to swear the apprentices upon a Greek poet?—No.

2880. *Chairman.*] How do you know that it was a Greek poet?—Seeing what I took to be epistles at the top of it, and seeing that it was not in the form of a Testament or a Bible either.

2881. Do you know Greek sufficiently to know that it was not a Greek Testament?—I thought it was not, and I am convinced that it was not.

2882. Do you know Greek sufficiently to say?—I only know some of the characters; Mr. Mason did not pretend that it was a Bible.

2883. Did you ask the question of Mr. Mason, "Is this a Testament, or another book?"—I said, "This is certainly one of the Greek poets," and he did not deny it.

2884. Mr. *Gladstone.*] Did you see from the way in which the lines were written, that the book was in poetry and not in prose?—I merely saw the characters at the top, which I took notice of, and I could not make out anything in the shape of one of the Evangelists, neither Matthew, Mark, Luke or John, or any thing of the kind.

2885. Did you see "Epistle" written at the top of the page?—I thought it was; but it might have been Aristophanes, or one of the Greek plays; he never denied that it was a Greek poet.

2886. Mr. *Buxton.*] But you are sure that it was in Greek, and he admitted it was not a copy of the Scriptures?—He seemed to agree with me when I told him that it was not the Scriptures.

2887. *Chairman.*] Did he distinctly admit to you, that this was not the New Testament?—When I objected to it, he did not say, "This is the Holy Scriptures, Captain Oldrey; if you are not acquainted with Greek, I can tell you that this is the New Testament;" but, on the contrary, he said, "Anything will do;" I replied, "No, it will not do for me."

2888. Mr. *Buxton.*] Proceed with the other circumstances which took place?—A poor woman named Sarah Williams presented herself before me.

2889. Mr. *Gladstone.*] What is the name of the property?—Content Hall pen, St. Elizabeth. She complained to me that her mother was lying very ill; that she had neither medicine nor medical attendance, nor nourishment, nor any one to take care of her; and that on one of these days, on her return home from the field, she was sure she should find her dead. All the time that she was making this complaint she was crying, she wept bitterly. During the time she was making this complaint a scream announced the death of her mother, and I never witnessed such a scene in my life; the women joined in her cries, and the men drooped their heads; I never witnessed so much grief depicted on the countenances of so many people, for the loss of an individual to whom most of them were not at all related or connected, in my life.

2890. Were there many present?—All, I believe, belonging to the property; I should think so; I presume they were ordered up.

2891. Were you close to the place where the mother lay?—I went afterwards to the place where she lay.

2892. You said that the scream was heard which announced her death?—Yes; some one left the hut in which the mother died, and came rushing towards the place where the apprentices were, and where I was hearing the complaint, and cried out that "Granny (the old woman) was dead."

2893. Can you mention the name?—Tabitha Hewitt.

2894. Are you aware what her age was?—Very old, between 70 and 80, I think. I told Mr. Mason that it was a most extraordinary circumstance, and that I should feel it my duty immediately to visit the hut, and see the state in which the poor woman was. He told me she was an old woman, and that it was quite unnecessary; that he did not consider it at all necessary. I told him that it was my duty, and I should do it. With reluctance he accompanied me a part of the way. As I was going to the hut, a young woman named Susan Johnston, covered over with the yaws, a shocking disease, complained of want of medical attendance, and want of proper care, and she told me her master drove her from the negro houses, from the property to the river side; she told me that there was neither hut nor shelter there for her, and that he would neither give her medicine, medical attendance or any assistance. A poor negro woman offered in the kindest manner to attend to this poor creature, and to assist in her cure; and she also voluntarily offered in my presence, to pay back every part of the time that she might lose in attending upon this poor creature; this offer was refused in the most brutal manner, I am sorry to say.

2895. Did the negro woman offer to take this poor diseased person into her hut?—She offered to take her under her care, I suppose she would have taken her into her hut, for she seemed to have a great regard for her.

2896. What was the name of the woman who offered this?—I do not recollect.

2897. What description of negro was this?—She was a field negro, I should say, from her appearance; and very nearly 40 years of age, about 40.

2898. You do not recollect her name?—No, I do not; I went to the hut af

Captain *W. Oldrey.*

28 June 1836.

wards, and saw an emaciated creature lying on some boards, with a mat, I think; the daughter and granddaughter told me that frequently on their return from the field they had found their mother or grandmother in her faeces (in her nastiness they called it), and she had not strength to remove out of it; that there was no one even to give her a little soup or a little nourishment, from the time they went to the field till they returned, and to that they ascribed her premature end.

2899. Then she was in the house alone, was she, and not in the sick house?—She was not in the sick house, but she was in a hut alone, whether belonging to her or to her daughter, I do not know.

2900. Was there any appearance of any one having been in attendance upon her?—I should imagine some one had been when she died, from the cry that had announced her death. I saw several other persons on the property, who were also in want of medical aid, which they had not got. I told Mr. Mason that it was my intention to send a surgeon upon the property to examine into the state of his negroes, and to report to me the state that he might find them in. I wrote to Dr. Dewar and to Dr. Anderson, and requested that one of them would proceed to the property; the first that could start for the purpose of inspecting the negroes. The following day I met, at Lacovia Estate, the coroner of the parish. I stated to him what had happened during the time that I had visited Content Hall plantation, and requested that he would proceed immediately thither, and hold an inquest upon the body. I thought it would be an act of justice to all parties to ascertain whether she had come to her death in a natural manner or not, and it would then be ascertained; and any impression that was on my mind, from the circumstances that had occurred during my visit to the property, might then be removed; at all events it would establish either Mr. Mason's innocence or his guilt. The coroner went on the property and visited the body, merely looked at it, and asked a few questions of Sarah Williams, a granddaughter also, and her son. Because they stated to the coroner that their mother had died from want of medical attendance, medicine, nourishment, and some one to take care of her, he threatened to get them punished or flogged for making this natural complaint.

2901. The coroner did?—Yes, he threatened to get them punished or flogged for their insolence.

2902. *Chairman.*] How do you know this?—It came out in evidence; I was not upon the property at the time, but it came out in evidence afterwards.

2903. Mr. *Gladstone.*] In the evidence of the apprentices themselves?—Yes.

2904. Did they state that he threatened to have them flogged simply on account of their making this allegation, or was his threat based upon some real or supposed impropriety in their manner and language?—They stated on oath that it was on account of their having complained of their master; the evidence is here, and the Committee can see it, if they please, or I will read it.

2905. *Chairman.*] What was the occasion on which this evidence was given, and before what court?—Mr. Mason was to have been tried by a special court, before justices Clinch and Ramsay, for cruelty and neglect to his apprentices, for not granting time to them to cultivate their grounds and to mend their fences, for withholding their legal clothing, and for having sent one part of their hogs to the pound, and the other part he ordered to be confined to a house on the property.

2906. Mr. *Gladstone.*] Is this evidence taken before yourself?—When I was present before the special magistrates Ramsay and Clinch.

2907. Sir *George Grey.*] On an investigation ordered by the Governor?—Yes.

2908. Into the particular circumstances which you have detailed, with their sequel?—Yes; the coroner said that he considered that she had died from old age; I believe no further proceedings were ever taken by him.

2909. Was there an inquest held?—There was no inquest held, and he threatened the daughter and granddaughter and the son with punishment, for having made the complaint that their mother had died from want.

2910. *Chairman.*] You said that you were persecuted by Mr. Mason; will you proceed with the narrative?—I will show the cause of it; first, with respect to the clothing, the negroes complained that they had not their legal clothing issued to them; their clothing was due in February 1834, and that Mr. Mason had not then issued it. Mr. Mason told me that he would not issue their clothing, that the law prescribed that the clothing was to be issued once in a year, and if the clothing was issued in February 1833, and issued in December 1834, that he then should comply with the law; whereas Mr. Burge, and every body else, well know that the clothing was intended by the slave law for 12 months. By this means, a great

a great many of the planters, I have been told, used to deprive their apprentices of their legal clothing. Captain *W. Oldrey.* 28 June 1836.

2911. Sir *George Grey.*] Do you mean before their apprenticeship?—Formerly, I can state how it used to be done. Mr. Mason gave in his returns. I thought he had been guilty of perjury before I had referred to the parish returns. The managers are obliged to give in the returns once a year, the first vestry after March. I overhauled the returns, and found that Mr. Mason had not taken the usual affidavit prescribed by law, but had merely signed the giving in of the returns, and where the magistrate's name ought to have been, it was not signed; similar frauds, I believe, have been frequently committed. I have heard so from different respectable planters, who by such means deprived the negroes of their legal clothing.

2912. Mr. *Gladstone.*] Will you explain how the negroes can be defrauded of their clothing by the means you have mentioned?—If clothing were to be given in February, and it is postponed to December the following year, there would be nearly 12 months' clothing withheld from the apprentices.

2913. When will it be obligatory to give clothing next?—It ought to be given regularly once a year, and they should swear to their giving in; but on account of the careless manner in which the business of vestries was conducted, they used to receive the returns without properly scrutinizing into their contents.

2914. Sir *George Grey.*] Are you speaking now from your own observation under the apprenticeship system, or of what the practice was in former times?—From my own observation, and from having communicated with respectable planters on the subject, I have been informed by them that it was too often the case.

2915. Do you mean to say that you know that the negroes were kept without clothing for a period of 12 months in more instances than this of Mr. Mason, or that you know of this instance, and heard that a similar practice had been adopted in former times?—In the first case of my own knowledge, and secondly from report.

2916. *Chairman.*] Would the effect of this practice which you have alluded to be more than this, that it would, during the first year, defraud an apprentice of his clothing, but after that the negro must regularly receive his clothing, only the period would be December instead of January?—In the first place the negro would be deprived of his clothing from February to December, and his clothing would be due in February to make up for the negro's loss.

2917. Sir *George Grey.*] According to your construction of the law is it so?—It is, but their construction of the law is, that if they issue clothing in January one year, and in December in the year following, they comply with the law

2918. According to this, what month in the next year will the clothing become due if the clothing is issued in December 1833; what would be the proper period, according to your construction of the law, at which they could issue it again?—December 1834; but if this question refers to the present case, the clothing would be legally due again in February to make up for the loss to the negro.

2919. Mr. *Buxton.*] Might not this happen, supposing a planter to be disposed to deprive the negro as much as possible of the advantages of clothing, that he might give the clothing on the 31st of December for the year that is passed, and on the 1st of January for the year that is to come, and then give no more clothing for two years?—I should think that would not be done.

2920. Sir *George Grey.*] We have been speaking of their construction of the law, do you believe that construction to be a correct construction?—Certainly not.

2921. Then as a magistrate authorized to administer the law according to your construction of it, what course did you take upon the negroes complaining to you of the injustice of Mr. Mason?—He was at my instance proceeded against first by a special session, who found sufficient grounds for a further trial by a Court of Protection. The Court of Protection voted itself incompetent to try the case. Justice Colebrook and myself subsequently tried Mr. Mason and found him guilty.

2922. As special magistrate you considered yourself authorized to investigate the complaint and adjudicate upon it?—Yes, most certainly.

2923. What was your adjudication upon that complaint, after hearing the evidence?—That he had been guilty of violating the law, and he would have been fined for that violation had not Mr. Hilton, Mr. Mason's solicitor, raised a question on a point of the slave law relative to the clothing, which induced Mr. Justice Colebrook to request that I would allow it to be referred to the Governor for his excellency's decision. As to the intent of the law I was satisfied in my own mind, and would have carried the sentence immediately into effect, but my

Captain *W. Oldrey.*

28 June 1836.

brother magistrate had his doubts on account of the objections raised by Mr. Hilton the solicitor.

2924. Mr. *Buxton.*] What was the legal objection which was raised?—That if clothing was given in February one year, and issued in December the following year, that the law would then be complied with, consequently that his client was not amenable to any fine.

2925. Sir *George Grey.*] The objection was that the clothing might be issued once in any part of the year, and that it need not be issued once in every twelve months?—It was, sir.

2926. Was it referred to the Governor?—Yes.

2927. What was the decision of the Governor?—The Governor referred it to the Attorney-General, as I had done myself, and he gave it as his opinion that it was all right: this is his letter to me on the subject:—"Dear Oldrey,—Do not levy a fine on Mason in the case of clothing for more than one case; you may sentence him in every individual case; you are all right, but whilst you cause reverence to the quarter-deck, after you have succeeded, conciliate as much as you can. I will see how to give you help. Take care of your health. Yours faithfully, D. O'Reilly."

2928. That is a letter to you, not an opinion?—I consider it an opinion, as the letter contains a form for a copy of a warrant of distress to act on.

2929. It is not upon a case submitted to him?—I wrote to the Attorney-General; it was, I believe, also submitted to him by the Governor, and this letter is his reply to me.

2930. Did you hear from the Governor upon the subject?—I did; Mr. Mason petitioned his excellency; Mr. Berry presented or forwarded the petition, I believe, in which Mr. Mason stated that I was mixed up with the politics of the parish.

2931. What communication did you receive from the Governor as to the communication you had made to him of the question of law?—I was requested, after the Governor had received this petition, not to proceed in any way until I received further orders.

2932. Have you a copy of the Governor's letter?—I have the original at home, but not here.

2933. *Chairman.*] Did you receive those further orders?—His excellency was induced, on the representation of Mr. Berry, and on the petition of Mr. Mason, to allow him a new trial.

2934. Did that new trial take place?—It did; and I have the minutes of the new trial.

2935. *Sir George Grey.*] Before two other special magistrates?—Yes; the reason that Mr. Mason assigned was, that I was mixed up with the politics of the parish, and that I must naturally be his enemy, being a friend of the custos; but the custos and myself were not on such friendly terms.

2936. Was the new investigation ordered upon any doubt expressed by the Governor as to the construction of the law, or upon representations made by Mr. Mason as to the imputed partiality of the judges before whom he had been tried?—His excellency expressed his approbation of my conduct; but as he had given a promise to have the case re-investigated, his excellency observed, it must take place. I remonstrated, as far as respect to the Governor would allow me; I found it was his excellency's determination, and he gave me orders to attend the investigation, or I should not have attended. I wished to have resigned my commission as a magistrate, but his excellency requested me to continue in office.

2937. What was the result of the second investigation?—He was found guilty and more criminal. This is the report of the special magistrates to the Governor.

[*The Witness delivered in the same, which was read, as follows:*]

To his Excellency the most Noble the Marquis of *Sligo*, Governor, &c. &c. &c.

REPORT.

In obedience to the commands of his excellency the Governor, contained in Mr. Secretary Nune's letter of date the 10th December 1834, No. 804, we proceeded to the parish of St. Elizabeth, having previously given Mr. Thomas Mason notice that a court should be held at Northampton Pen on Wednesday the 17th instant, for the purpose of investigating the complaints of the apprentices of the said Thomas Mason; and we beg to report to your excellency, that Mr. Thomas Mason, having objected to our power and authority, and not appearing before us, although duly summoned to do so, we proceeded to take the

the annexed examination, and find by the evidence before us, that the negro grounds of the apprentices of Southampton pen, in the possession of Mr. Thomas Mason, are for the most part of them in an uncultivated state, occasioned by the apprentices feeling that it is useless to cultivate the land, in consequence of the dilapidated state of the fences, and subject thereby to continual trespass from cattle. We find that special justices Oldrey and Colebrook issued an order on the 25th September last to the said Thomas Mason, to mend the fences of his apprentices' negro grounds at Southampton pen, and that the time occupied in so doing was to be repaid to the said Thomas Mason, which order, from the evidence before us, has not been obeyed by the said Thomas Mason. We also find, that Mr. Thomas Mason requires the labour of his apprentices at a pen called Content Hall, about seven or eight miles distant from Southampton, whither they repair on the Monday mornings, and are not permitted to return till late on the Friday evenings, by which system they have only the Saturday to work in their grounds and to dispose of their provisions, at a market about 12 miles distant from their homes. We also beg leave to report, from the evidence, that the apprentices on Content Pen, with the exception of three or four, have not been regularly supplied with the usual and customary clothing, according to the 12th section of the Act for the Government of Slaves, and the 16th clause of the Abolition Act; and that since the death of Dr. Owen (which event took place in the early part of 1832), they have only received their clothing twice. We also beg to report that the apprentices on Southampton and Content Pens are not regularly attended by any medical practitioner, as required by the 16th clause of the Abolition Act, and the 8th clause of the Act in Aid of the Abolition Act. That Mason's system of administering medicine himself to his apprentices is subject to great irregularity and neglect, and when that gentleman is absent from his property, they are left in the hands of ignorant and incompetent persons to administer it. That the case of Tabitha Hewitt, as detailed in evidence before us, is one of a most cruel and atrocious nature. The services this female rendered to her master to the last moment of her power; the cruel neglect shown her by that master (Mr. Mason) during her long illness, and his unmanly and improper conduct towards her child after her death, are crimes that require the most serious punishment. We also beg to draw your excellency's attention to the evidence of C. R. Ramson, the coroner, and that of John Mins, who when ordered by a magistrate to investigate into the cause of Tabitha Hewitt's death, instead of doing according to law, repaired to the spot, took an external examination of the body of a female who appears from evidence to have died from neglect, and threatens to have her son, John Nimes, punished for complaining of the want of support and neglect of his master towards his aged mother. We repeat that Mr. Mason, not having appeared to rebut the affidavits of Thomas Colebrook, esq., special justice, and Gustosidi Tipping, esq., respecting his conduct towards Captain William Oldrey, special justice, whilst holding his court at Southampton, on the 20th of September last; his conduct, as specified, and those affidavits, we consider as fully substantiated. As regards Mr. Mason's statements, contained in documents from No. 7 to 11, Mr. Thomas Mason did not appear to substantiate them, and the same were denied by the letter of Captain William Oldrey and Thomas Colebrook, special justices. We beg leave to refer your excellency to those letters subjoined to the evidence taken before us. In addition to the foregoing we beg to repeat, that by the evidence before us, Mr. Thomas Mason has, up to the present day, possessed himself of the hogs, the personal properties of his apprentices, although they were kept by them in a space walled in for them; and some he has sent to the pound, others he has still in his possession, thereby depriving the apprentices the free use of their own personal individual property.—Given under our hands this 24th day of December 1834, at Tormington Castle, in the parish of St. Elizabeth.

Captain *W. Oldrey.*

28 June 1836.

(signed) *William Ramsay,* } Special Magistrates.
James Clinch, }

2938. Sir *George Grey.*] Do you know what steps were taken upon that report being received by the Governor?—The Governor directed the Attorney-General to proceed by indictment against Mr. Mason.

2939. Was an indictment preferred in pursuance of those directions by the Attorney-General?—An indictment was preferred, but drawn up in so legally technical a manner, that it was thrown out by the grand jury at Montego Bay in March 1835.

2940. The bill was thrown out by the grand jury?—Yes; in the indictment it was stated, that with swords and staves he did kill and slay Tabitha Hewitt; whereas he never did any thing of the kind; but it was from want of nourishment and proper medical care that she came to her death.

2941. You know that the indictment was thrown out, and you believe that it was on formal grounds?—I presume that it was; I can form no other reason for it.

2942. Mr. *Buxton.*] Then you only know that it was thrown out?—I should imagine that it was only for that; I cannot imagine any other reason for it.

2943. Sir *George Grey.*] Was any new indictment preferred?—I left the country shortly after. I believe that Mr. Mason has been again indicted; but I do not positively know that he has.

Captain *W. Oldrey.*

28 June 1836.

2944. You are not aware of any further steps having been taken, owing to your having left the colony?—I am not.

2945. *Chairman.*] Were steps in the course of being taken when you left the colony?—Reports on the subject were made to his excellency the Governor when I left the colony.

2946. Reports of this indictment having been thrown out?—Yes; immediately upon the indictment having been proclaimed in court, I was threatened with 14 different actions by Mr. Hilton, the solicitor of Mr. Mason, who came up and said, "Captain Oldrey, I have to inform you that I shall commence 14 actions against you."

2947. Does the throwing out of this indictment imply that no further steps shall be taken?—The Governor will not allow the case to rest, I think; his just and upright conduct would not suffer it.

2948. Sir *George Grey.*] Was this indictment against Mr. Mason for manslaughter?—It was for killing and slaying.

2949. It was either for murder or manslaughter, you do not know which?—It was for killing and slaying, which I suppose would include either.

2950. Was the result of this investigation either before yourself and Mr. Justice Colebrook, or the two other magistrates, the imposition of any fine upon Mr. Mason?—The sentence was sent up to the Governor.

2951. Were any fines imposed upon Mr. Mason, or was the proceeding against him by indictment before the criminal court of the colony?—The Governor superseded altogether the first trial. No penalties were ever imposed upon Mr. Mason, and no penalties were enforced when the trial took place before Messrs. Ramsay and Clinch; the report is attached to it. The Governor, upon that report ordered an indictment, and no fine was ever levied upon Mr. Mason in the case; he was only informed by me that he had been found guilty, and the amount of penalties would be intimated to him when I next visited the property. I fully expected the Governor would have directed the sentence of Justice Colebrook and myself to have been carried into effect.

2952. *Chairman.*] Are you satisfied that the penalties were not levied upon the finding of the second court?—Decidedly I am.

2953. Sir. *George Grey.*] Could he have been fined by a common justice and be indicted before the criminal courts of the colony for the same offence; how does the law stand upon that subject?—I consider that the first trial ought to have been final, but the Govenor, as the fountain of mercy, might have granted Mr. Mason a pardon of the full penalties found against him; but as to superseding the first special trial by another, I thought it was contrary to law.

2954. Are you sufficiently acquainted with the law in Jamaica to state whether a person could be fined for an offence by a special justice and indicted for the same offence before the criminal courts in the colony?—Certainly not; it would be a violation of the rights of the subject; but the law ought to be amended upon the point of clothing, as a great part of the bar of Jamaica are decidedly against my decision.

2955. Sir *George Grey.*] Do you mean the Attorney-General's opinion upon the construction of the law?—The Attorney-General confirmed my opinion. I allude to the barristers generally.

2956. Their opinions are at variance with the Attorney-General's?—I have understood it to be their opinion; Mr. Hilton has publicly advanced it; and I really believe his excellency has not the power at present to enforce it as the law now stands.

2957. *Chairman.*] You mean upon the point of clothing?—Yes.

2958. Will you have the goodness to go on and state the prosecutions brought against you?—There are three actions which Mr. Mason brought against me, in pursuance of his threat.

2959. What is the nature of those actions?—For my having summoned his apprentices to appear before a court ordered by the Governor.

2960. For trespass?—Yes; construed trespass, for issuing the summons which I was directed to do.

2961. When were those actions brought?—This is a notice; one was tried last April.

2962. When were those actions? when was notice given?—Notice was given before I left the island, in February or April; but those were afterwards given to my solicitor since my departure from Jamaica.

2963. When?

2963. When?—They are dated 4th June 1835; I was out of the country at that time.

2964. Will you state when they were tried?— One was tried last April.

2965. What was the result of that action?—A verdict against me of 289*l.* currency, which carries costs.

2966. By what court?—By the grand court, composed of three puisne judges, (the only legal judge in the island was sick at the time,) Mr. Mais was one, Mr. Barrett, Speaker of the House of Assembly was another, and Mr. Allwood was the third.

2967. Those were justices of the peace?—No, puisne judges.

2968. Was it a jury trial?—Yes.

2969. Sir *George Grey.*] Had you any communication with Lord Sligo, with reference to any one of those actions brought against you; did you inform him that an action had been brought against you?—Yes, and he ordered the Attorney-General to defend me in every case.

2970. And did he defend you?—Yes, in conjunction with Mr. Panton, the King's Advocate-General.

2971. Have either of the other actions been tried?—No, my counsel moved for a new trial, which was to be argued this month.

2972. Therefore you have not yet been called upon to pay any damages?—Not yet.

2973. Mr. *Gladstone.*] Have you the minutes of the legal proceedings which took place?—I have not; I do not know whether they are in the Colonial Office.

2974. Mr. *Johnston.*] Do you know of whom the jury was composed?—The bench we know are proprietors, the jury, I should imagine, were, as usual, composed principally of planters and persons in the planting interest.

2975. You do not know the particulars?—No, I do not.

2976. Sir *George Grey.*] Are you aware of any delay having taken place between the notice of action and the trial, more than is usual on ordinary occasions?—Mr. Mason might have brought his actions on if he pleased in 1835.

2977. Are you aware of another trial brought against Mr. Bourne, a special justice, in the mean time, and the verdict given against him?—I am aware of it, and I do not think that Mr. Mason would have brought his actions against me, had it not been that the Act in Aid had expired on the 31st of December 1835, which took away the only protection that special magistrates had; I do not think, if that Act had been in operation, that he would have ventured to have brought his action into court.

2978. Mr. *Buxton.*] The facts of the case are these; you in your capacity of special magistrate, think it right to inquire into the conduct of Mr. Mason, as to the treatment of his negroes, and all that results from this is, that no punishment whatever is inflicted upon Mr. Mason?—I do not know what the result may be of any new trial.

2979. No punishment, as far as you know, has been inflicted upon Mr. Mason, but that you have been repeatedly prosecuted by him, and have been once convicted and subjected to damages by a colonial jury and a colonial bench?—Precisely so; I have been threatened with three, but only one action has as yet been brought against me.

2980. Did you not say that three actions had been brought against you?—I have received notice of three, one of which only has been tried.

2981. Then, as far as you know, Mr. Mason has as yet suffered no punishment; you have had three prosecutions entered against you, one has been tried, you have been convicted of damages by a colonial jury and a colonial bench?—Mr. Mason has not suffered any punishment yet, but I have been cast in damages by a colonial jury.

2982. Sir *George Grey.*] But the application for a new trial is pending, consequently there is no final verdict yet given?—No final verdict has yet been given.

2983. Mr. *Buxton.*] Do you believe that there was an intention on the part of Mr. Mason to intimidate you in the discharge of your duties of special magistrate, by bringing those actions against you?—I have no doubt of it, and further, I can state, from report, but I do not know whether it be correct or not, that when Mr. Mason's intentions to prefer actions against me was known, other planters in the parish intended to join him, and when they found they could not

Captain *W. Oldrey.*

28 June 1836.

trip me up in my judicial decision. I was informed they had bestowed contributions or subscriptions, or whatever it might be called, on the press, in the pro-slavery interest, to injure me; this I have heard, but I do not know whether it be true or not, but I have been much abused by the press.

2984. Have you any reason to believe that the planters clubbed towards the prosecuting of you by Mr. Mason?—Mr. Mason is a very rich man; I should not think, myself, that he stood in need of it, but I only mention the report that I have heard.

2985. Did you hear that in a shape that led you to believe it?—I heard that the pro-slavery party had joined together to prosecute me, if they could find me "tripping," and I firmly believe it.

2986. Sir *George Grey.*] Do you mean that they gave money for the purpose?—I understood so.

2987. Mr. *Gladstone.*] You state that you have heard it reported that the planters had clubbed?—The pro-slavery party.

2988. Are you prepared to state the names of individuals to whom you would apply that; do you mean to apply that to the general body of the planters, or to a large portion of them, or in what way can you give the Committee an idea of the extent of the term which you use?—To those who opposed, as far as they could, the apprenticeship system.

2989. Do you conceive that the parties who oppose the apprenticeship system constitute a large proportion of the present body in Jamaica?—I am sorry to say that they do, but there are a great number, and I am happy to bear this testimony, whose feelings are as kind and as humane as any honourable member present; but I am sorry to say the majority, if I give it as my opinion, so far as I know, and as far as my experience can judge, who are opposed to the present system.

2990. Do you think that the party opposed to the present system are an increasing or a decreasing party?—I should hope a decreasing one.

2991. Sir *George Grey.*] What are the grounds of their opposition to the present apprenticeship system?—In the first place they consider themselves robbed by the Abolition Act, and by the emancipation of their negroes, and many of them consider themselves ruined from their apprentices having been emancipated; that is in part the cause of their discontent, and of their opposing the new system.

2992. Mr. *Buxton.*] Are the persons who are thus dissatisfied, in general, owners of slaves who have received compensation, or are they attornies and overseers, and persons of that class, who are not sharers in the compensation, and whose employment may be lost?—Principally, I should say, attornies; only a few proprietors reside in Jamaica; the greater part, the mass of the property, belongs to proprietors in England.

2993. *Chairman.*] Mr. Mason was a proprietor?—Yes, a very wealthy one.

2994. Sir *George Grey.*] Do you think that the attornies fear being robbed of the power which they had before?—Yes.

2995. Mr. *Gladstone.*] Comparing the resident proprietors, and that party resident on the property, who are not proprietors, do you observe a difference between those two classes?—I believe, if the feelings of the proprietors at home were carried into effect in the island, the apprenticeship system would work much better.

2996. The question is, as to the resident proprietors?—There are very few resident proprietors of any extent in the parish of St. Elizabeth.

2997. Have you observed any very great difference between the feelings of the resident proprietor and of those proprietors who are not resident?—There are a few of the proprietors who are very kind; I could mention the names of some of them, if it were necessary.

2998. Sir *George Grey.*] But taking the residents as a class, and the proprietors resident in England as another class, do you draw a distinction between the feelings of the resident proprietors and those of the attornies interested in the property in that country?—There are some of the proprietors in that country who are very well disposed, and there are others, like Mr. Mason, who are as decidedly opposed.

2999. Mr. *Buxton.*] Has it been the object of the pro-slavery party, which you have described, to induce the special magistrates to resign in disgust, to create discontent amongst the negroes, and thereby to produce a re-establishment of the system of severe discipline and coercion?—I have no doubt of it.

Captain *W. Oldrey.*

28 June 1836.

3000. Sir *George Grey.*] Do you think that they had succeeded to any extent, in re-establishing a severe system of discipline and coercion while you were there?—As far as I was concerned I would not suffer it.

3001. You state that magistrates have resigned in consequence of the conduct of planters towards them?—Yes.

3002. Have the gentlemen who have taken the places of those who have resigned, adopted a different course from those who have resigned, and whose places they were called upon to fill?—I have only attended three or four courts, when I have always seen justice administered by the special magistrates; but I have heard that a different feeling is exhibited by some of the new magistrates who have been appointed in the colony; I cannot speak from my own observation on the subject.

3003. What you state now, is it with reference to magistrates who have been appointed since you left Jamaica or while you were there?—Some that were appointed while I was in the island.

3004. Do you observe in the conduct of any of the magistrates who were appointed in the room of others who have resigned in disgust, a different line of conduct from that which you yourself pursued, and which other magistrates pursued while you were in the colony?—As I have before stated, I have attended only four courts, those were composed of special justices Colebrook, Connor, Ramsay, Clinch and Chamberlain, and I have always seen them administer the law in a most impartial and just manner; but I have heard that some of the other magistrates have been extremely severe, and have consequently given very great satisfaction to the planters.

3005. Were those magistrates, of whose severity you have heard, magistrates who were appointed in Jamaica at a recent period, shortly before you left?—Some of them were.

3006. Whose places did those two supply?—I rather think the appointments arose from a deficiency of special magistrates in the commencement of the apprenticeship system, and therefore they were appointed.

3007. Were they men of property who had been appointed at the commencement of the apprenticeship system, or appointed to supply vacancies of magistrates who had resigned in disgust?—One gentleman took the situation of Mr. Hill, who resigned in disgust.

3008. When was he appointed?—He was removed into the parish of St. James, some time after Mr. Hill had resigned.

3009. Was the magistrate appointed in Mr. Hill's place one of the men of whose severity you spoke just now?—Yes.

3010. Mr. *Gladstone.*] Are you correct in stating that Mr. Hill resigned in disgust?—Yes.

3011. Sir. *George Grey.*] Are you aware that Mr. Hill now holds the special commission?—He does.

3012. Mr. *Buxton.*] Of the magistrates whom you have named, and who always did justice, how many are magistrates at this present moment?—Three are dead; Colebrook is dead, Clinch is dead, and Connor is dead, and I believe Dr. Chamberlain has resigned; Mr. Ramsay is the only one now doing duty in the colony, I believe.

3013. Sir *George Grey.*] Was Dr. Chamberlain ever a salaried special magistrate?—I believe not.

3014. *Chairman.*] But those gentlemen whose names you have mentioned were the only special magistrates whose conduct you had a personal opportunity of observing?—Only those that I had positive proof of, from having been present at their courts.

3015. Sir *George Grey.*] Dr. Chamberlain was a physician in practice in Jamaica?—Yes.

3016. And he held the commission for a time to assist the others?—Yes.

3017. Therefore the only acting commissioner that is living is acting now?—Yes.

3018. You left the island for several reasons?—Yes.

3019. Did the Governor request you to stay?—Yes, I left on his excellency's leave.

3020. Are you aware whether you might have gone back, if you pleased, and resumed your duties?—I could.

3021. Mr. *Buxton.*] Do you believe, from all that you have heard, and from all that you know, that there is on the part of some of the pro-slavery planters a determination,

Captain *W. Oldrey.*

28 June 1836.

mination, as far as it is in their power, to bring back the old system of coercion?—I should think so.

3022. Do you believe, from all that you know, and from all that you have heard, that in any portion of Jamaica that system of severe discipline and coercion was carried into effect upon the negroes at the time of your departure?—I do not know from my own personal observation, but I have heard that some were extremely severe. I have heard that triangles were raised on the estates immediately upon a special magistrate joining a district.

3023. Sir *George Grey.*] Have you not a particular magistrate in your mind at the present moment upon a particular estate?—I have; I understand on the estates in his district.

3024. Subject to the jurisdiction of that special magistrate?—Yes.

3025. Are you aware whether a report of that case was made to Lord Sligo, and whether that magistrate is now in the commission?—He was when I left the island.

3026. Do you know whether he is in the commission now?—I do not know.

3027. *Chairman.*] Did it appear to you, while you were in Jamaica, that the conduct of the special magistrates was watched with sufficient vigilance on the part of the supreme authority?—It was most closely scrutinized, and the eye of the Governor was seldom taken off from the conduct of the special magistrates.

3028. Do you think it possible for a special magistrate to have betrayed his duty by siding unfairly with the planter against the apprentice for any length of time, without such conduct attracting the notice and reprobation of the Governor?—If the Governor were made acquainted with any undue severity, much less any act of positive injustice, he would immediately have called that magistrate to an account for it.

3029. Do you think it likely that a magistrate could have acted unfairly in that respect for any length of time without its coming to the knowledge of the Governor?—It might be done; I should think there is a possibility of its being done.

3030. Do you think it probable?—Yes.

3031. Mr. *Gladstone.*] Are there not rival parties, who entertain a great opposition to each other, spread over Jamaica?—Yes.

3032. Does not the feeling between those parties afford a considerable degree of facility by which all cases of abuse are likely to become known?—Very little, except when the trials are held in public places; because one party will not visit the property of another party; it would be considered almost an intrusion.

3033. Do you mean the courts of the special magistrates?—Yes; the special magistrates are bound to hold courts on every plantation, when there are complaints to be tried, where there are 40 working negroes or upwards.

3034. You perhaps consider then that there are adequate means by which the conduct of the negro may be known to the special magistrate, but not by which the conduct of the special magistrate can be made known to the Governor?—It can be concealed; for instance, I will give a case, suppose I went upon a property, and I had no one with me, my conduct might be partial or it might be otherwise; no one could report my misconduct to the Governor, for it is not likely the planter who calls for punishment would do it, and no other person could do it, I should think. If he were to call upon me to punish a negro, and I punished that negro, it is not probable the planter would make a complaint against me for so doing; I am speaking of the possibility, and this injustice would not, in all probability, come to the Governor's knowledge; but the special magistrates are called upon to make their reports of punishments weekly to the Governor. I will give you its form, it is divided into columns; 1st is the date; 2d, the name of the property; 3d, the distance ridden by the special magistrate during the day; 4th, the complainant; 5th, the defendant; 6th, the crime or charge; and 7th, the decision. If the Governor should receive any complaint against a special magistrate, he would immediately call upon him for his notes; but who is there to complain to the Governor, if the special magistrate were to act so partially as to punish at the will of the planter?

3035. Supposing that the Governor sees in these accounts of the special magistrates, or of one special magistrate, as compared with the general body, a great amount of punishment, do not you suppose that he would be led by that fact to institute an inquiry?—He would, I have no doubt, instantly call upon him to explain the reason of it.

3036. Sir *George Grey.*] Have you seen the returns which are now sent of the number of punishments inflicted by the special magistrates, which are forwarded to the Governor and sent home to the Secretary of State?—The number of apprentices and the amount of punishment by the special magistrates were sent to the Governor when I was in the island.

3037. Have you seen the late returns?—No.

3038. But do you think that any precaution which could be taken by the Governor of the conduct of a special magistrate is omitted by the Governor?—Not under the present law.

3039. Can the probability which you stated of a magistrate being guilty of undue severity, carried through a considerable period of time and escaping the notice of the Governor, arise, if the returns sent in are correct returns?—Yes, it is probable; and I wish to point out the necessity of an alteration in the law, and an alteration in the administration of justice in the colonies. A magistrate goes upon a property, without having any person with him as a witness, he has no one to assist him in forming his court; he may be insulted by the planter with impunity, and he has no witness except the poor negroes, and they are not well acquainted with the common courtesies of life.

3040. But their evidence is good?—It is.

3041. Do you mean that the insult might be committed by planters upon a special magistrate without the negroes conceiving it to be an insult?—Yes; and the special magistrate ought to have attached at least two police constables, in order to assist at his court, and to be witnesses of his conduct, for his own satisfaction, as well to observe the conduct of the managers, and for the ends of justice.

3042. How do you make out that it would be probable that the Governor, on comparing one return with another, the returns being assumed to be correct, would overlook very different conduct on the part of one of the magistrates as to punishments from the conduct of the other magistrates, the different returns being before him, and showing that upon the face of them?—I will suppose the crime of the negro to be insolence, say twelve lashes; I could give twenty different instances, neglect of duty, insubordination, putting them under the different classes in which they are supposed to be found guilty; number of lashes, if it is within the maximum that the clause prescribes for the offence, the magistrate would probably be only asked by the Governor the reason why so many lashes were inflicted in the parish or district, and the special magistrate would reply, that they were more irregular, and that they were not so well disposed as in other parishes or districts. Some parishes have behaved in a most exemplary manner, and others not so well; on many plantations the apprentices have not had the lash upon the backs of even one of them, others require frequent visitations; and those, in my experience, who have been the most ill-treated by the proprietor or the overseers have been the worst behaved, and punishments have been most frequent.

3043. Take two districts, with the same number of apprentices in each, and through a period of six months, the amount of punishment in one being considerably greater than the other, do you not think that by that fact the Governor's attention would be called to that district in which the punishment was greater?—I should think that the Governor would not overlook a second report; his excellency would call upon the special magistrate to account for it.

3044. Is it probable that during a long period of time a systematic severity may be pursued without his attention being called to it?—Yes, but his attention would be called to any report, as I before stated.

3045. Has not a special magistrate a power of summoning any police to attend him; are they bound to obey the orders of the special magistrate?—He has; but the police was stationed at a great distance from some of the special magistrates; I had at first three regularly attached to me, but they were not equal to the duty.

3046. Mr. *Gladstone.*] Practically did you find difficulties arise in the execution of your duty from the want of policemen attached?—Most certainly; yet I had three attached to me for some time, frequently I had to send them to issue warrants and summonses, and very often I sent them from one property or to another to tell the managers that I was going to visit their properties, for the purpose of getting the apprentices ready and not to lose time to the property nor my own time, which was then extremely precious.

3047. Did you find want of actual means to carry your sentences into effect?—I had no difficulty in that particular at all, because it was only to give my order

Captain *W. Oldrey*,

28 June 1836.

and it was executed, sometimes by the police and sometimes by the apprentices themselves.

3048. Mr. *Buxton.*] Was Lieutenant White a magistrate when you were in the commission?—He was.

3049. Was Mr. Fitzgerald a magistrate when you were in the commission?—I think he must have arrived when I was about quitting the colony.

3050. Sir *George Grey.*] Is Mr. Fitzgerald alive now?—He is dead.

3051. Is Mr. White a magistrate?—No.

3052. Was he dismissed?—I understood that he was, for severity.

3053. Have you any doubt that he was dismissed by the Governor?—None.

3054. Mr. *Buxton.*] Did it come to your knowledge, while you were in the colony, that any special magistrate had for a considerable period of time exercised severity against the negroes?—I do not, from my own personal observation. I have answered the question before; I do not, from my own knowledge, but I have heard it so reported.

3055. Have you heard it in that way and from those persons that you do in your conscience believe the fact, that for a considerable time and to a great extent the special magistrate was guilty of cruelty?—I believe those who told me were convinced of its truth and that they believed it; I do not know Mr. White intimately, and to give an opinion upon another magistrate's conduct that I have not seen, I cannot.

3056. Do you believe that cruelty did exist to a considerable extent for a considerable period of time in any one district in Jamaica?—From report only.

3057. Mr. *Gladstone.*] You had in your mind a particular district and a particular magistrate, are you not also perfectly aware that that magistrate has been dismissed?—I may say that I have more districts than one in my mind, but all this arises from report and I cannot answer for its correctness; I believe that those who reported the cases to me, indeed I am thoroughly persuaded, that they believed it or they would not have communicated it to me, but whether the facts were so or not I do not know.

3058. Sir *George Grey.*] Have you heard the reports since you have been in England or in Jamaica?—When I was in Jamaica and also since my return.

3059. Mr. *Buxton.*] If that report was true, that for a considerable period of time cruelties were exercised in any district, with the connivance of the special magistrate, do you, with that fact before you, believe that the Governor can acquire such a knowledge of the conduct of the special magistrate as will enable him immediately to check him, provided that he is unduly severe?—I have already stated that if a special magistrate could be found to be so severe and so unjust, I should think he would be fully capable of concealing it from the Governor.

3060. Were the names of the special magistrates mentioned to you who had been severe?—They were.

3061. With the specific acts of cruelty connived at?—Certainly.

3062. Did you make a report of them to the Governor?—No, they were publicly talked of.

3063. Do you know whether any communication of those facts was made to the Governor?—I am convinced they were.

3064. Do you know whether steps were taken in consequence of communications made to the Governor of those facts?—Yes.

3065. *Chairman.*] Do you know of any instance in which complaints were made of the conduct of a special magistrate by persons of credit, in which the case was not investigated by the Governor?—No.

3066. Sir *George Grey.*] Do you conceive it possible that in those cases which are so public and notorious and talked of every day, the special magistrate could pursue that systematic course of conduct and at the same time conceal it?—That which is considered severe by one is considered lenient by another; it might or it might not have been reported to the Governor.

3067. Assuming that the severity was undoubted; that there were acts done with the connivance of the special magistrate of admitted and undue severity, which were matter of common conversation, do you think it possible that that conduct could be concealed, if, as you say, they were capable of being guilty of it?—The cases that I allude to were remedied, because complaints were made to the Governor, and the Governor ordered investigation immediately.

3068. Mr. *Gladstone.*] And remedies were applied in all the cases?—I believe the Governor administered justice in all cases, and applied the proper remedies.

3069. Do

3069. Do you believe that it was in the power of the Governor to administer effectual remedies in the cases which you have in your mind, and that they were so administered?—Certainly.

3070. Mr. *Buxton.*] You have stated that there was a disposition on the part of some of the pro-slavery attornies to overawe the special magistrates by intimidation, was there a disposition on the other side to win them over by presents and acts of service?—I do not know that they ever succeeded.

3071. Sir *George Grey.*] Had you ever any presents offered you?—No.

3072. Are you aware, respecting those five magistrates whose conduct came under your notice, that any presents were offered to them?—I know that all those who punished with the greatest severity were the greatest favourites with the planters, but I do not know that they received presents for so doing; but previous to Mr. Colebrook's departure, a piece of plate was voted to him, I have heard; he was an upright and just magistrate, in my opinion.

3073. Mr. *Gladstone.*] Did you ever hear of presents being received?—I am not aware of it from my own knowledge; but I have heard of some of the special magistrates who have punished very severely who have had plate voted to them after leaving their districts.

3074. Sir *George Grey.*] Can you specify a single instance in which a piece of plate has been given to a special magistrate who still continued to hold his commission in Jamaica?—Yes, from report; a magistrate, I heard, was removed to another district; when he had been ordered to remove from his district in which he administered the law to the satisfaction of the proprietors or residents, and on his leaving that district a piece of plate was voted to him or to his wife; it was a public act, I believe.

3075. When was that?—In the latter part of 1834 or the beginning of 1835.

3076. Does he still hold his commission?—Yes.

3077. Was an account given in the newspaper?—Yes.

3078. Was he one of the two magistrates of whom you spoke who showed undue severity, and who connived at such acts?—No; he was not one of them; the magistrate I allude to was appointed in the country; he did not go from England.

3079. Was he a salaried magistrate?—Yes, I suppose so.

3080. Mr. *Johnston.*] Did any of the apprentices share in contributing to this piece of plate?—No; I do not know, from my own observation, that he was guilty of undue severity, but I have heard so. I never attended his trials. His name is Dillon; he superseded Doctor Madden at Kingston, I think; the difference in the administration of the law was very sensible, as Doctor Madden did not inflict corporal punishment to the extent that Captain Dillon did. Doctor Madden was not liked; he was very ill treated, and he threw up his commission in disgust. I do not know that Captain Dillon was ever guilty of any undue severity; as an officer I should hope that the report is not correct.

3081. Sir *George Grey.*] Why was he removed from his district?—I have heard different reasons assigned.

3082. Do you know whether he applied for another district, or was removed by the act of the Governor?—He was removed by the act of the Governor to a great distance, and at a great expense.

3083. Against his will?—Certainly, I should think so.

3084. How long had he been in this district before he was removed?—Only a few months, I believe.

3085. When did Dr. Madden leave Jamaica?—In the early part of December.

3086. And this was in the early part of 1835 that he was there?—Yes, and previous to that period.

3087. Mr. *Gladstone.*] St. Anne's, into which he was removed, was a disturbed district?—Yes, as it required good discipline.

3088. Do you suppose that his removal was a mark of the Governor's confidence, as the district to which he was removed was a disturbed district, which would require a man of abilities to bring it into order?—I should think that the Governor thought that the sooner Captain Dillon was removed from Kingston, where he had a great number of friends, the better, and that his services would be greater to the public in St. Anne's, and he would be enabled to bring the apprentices in that parish into order in a shorter time than those who had been there before him.

Captain *W. Oldrey.*

28 June 1836.

3089. Mr. *Buxton.*] Do you know of any other case of a piece of plate being given to any magistrate, either while he held the magistracy or upon his retirement?—I have heard of another.

3090. Who was that?—Lieutenant White.

3091. Do you happen to know that Lieutenant White was provided with a habitation by Mr. Campbell, a West India proprietor?—I do not know it.

3092. Do you happen to know whether he was provided with fodder for his horse?—I do not know it.

3093. Did you happen to hear that he was extremely severe in the punishment of the negroes?—Yes; I have heard so.

3094. Did you hear that he was a most severe magistrate?—I have heard so.

3095. Did you hear that he was very popular among the planters?—I did hear so.

3096. Sir *George Grey.*] Did you hear that he was dismissed by the Governor for his undue severity?—I heard so.

3097. Mr. *Buxton.*] Was he not dismissed in consequence of a quarrel with a clergyman or with a missionary?—I do not believe it; I heard that the Governor dismissed him for undue severity.

3098. Do you know that he got his piece of plate after he was dismissed or retired?—He received the plate, I have heard, in London, which was voted to him while there.

3099. Assuming that the special magistrate could by any means be overawed or seduced from the fair administration of justice, do you conceive that the machinery of the periodical returns is such as immediately to reveal their misconduct to the Governor?—It is possible that they may be concealed from the Governor in the way I have mentioned; but the Governor would, upon discovering that there was a greater degree of severity in one district than in another, call upon the magistrate to account for it.

3100. Cannot the check intended to be obtained by those periodical returns be easily evaded by inserting a careless and partial account of the case, and the evidence by which it has been supported?—Assuming such a case, I say that it is possible.

3101. Supposing that a negro has just grounds of complaint against a special magistrate, what redress can be obtained in that case?—He has many friends in the country to fly to, and he has other special magistrates; there are a number of upright and most merciful people in the country, who would immediately write to the Governor, and complain of this conduct when made known to them.

3102. With reference to his ignorance and his poverty, do you think that he can get justice if he thinks that he has ground of complaint against the special magistrate?—If he has the intellect to communicate his sufferings either to the special magistrate or to his friends, if they know their friends as well as those who are supposed to be their enemies, I should think that that friend would immediately communicate to the King's house, and that the Governor would instantly order an inquiry into the case.

3103. Did you upon your return to this country give in a memorial to Lord Glenelg, stating your observations during the time that you held the magistracy?—I did.

3104. Have you got a copy of that here?—I have simply the report relating to Mr. Mason's conduct and my opinion as to the result of the system.

[*The Witness delivered in the same, vide Appendix.*]

3105. Sir *George Grey.*] What is the nature of the protection which you think necessary?—The nature of the protection which I allude to is, that when a special magistrate acts impartially and administers justice, and vexatious actions are brought against him, and a verdict is given against him, the Government ought to indemnify the special magistrate, and if he is not indemnified he must be ruined.

3106. Have you applied for indemnity from the action against you?—I have.

3107. What is the answer you have received?—Until there is a decision of the trial nothing can be done; it was quite satisfactory.

3108. That is the answer you received; till the damages are payable, the Governor cannot indemnify you?—Until a new trial takes place and the result is known, of course the Government cannot indemnify me.

3109. Have you had any refusal of indemnity in the event of the verdict being ultimately against you?—On the contrary, I have received every encouragement.

3110. Mr. *Buxton*.] You stated that the Act in Aid had expired; would that have been of any assistance to you if it had existed?—I think Mr. Mason would not have brought his action against me if the Act had been in force; the fear of treble costs would, I think, have deterred Mr. Mason and also other planters.

3111. Under what law is clothing due to apprentices?—Under the slave law, and by the 16th section of the Abolition Act; the Jamaica Act I allude to.

3112. By whom is the sufficiency of clothing determined; by the special magistrate or by the vestry?—By the vestry; the special magistrate has no voice in it; he is not a vestryman, except where a special magistrate is appointed to the commission of the peace as a local magistrate.

3113. Sir *George Grey*.] Has it been customary to give to the special magistrates in Jamaica an ordinary commission of the peace, so as to enable them to act in addition to their special duties, in the ordinary duties?—Those who were out in the country first were generally appointed to two different parishes, in order that they might become acquainted with the negro character and with the state of discipline then used upon the different estates; there was an interregnum, a period when they were not appointed; now I believe the greater part are appointed local magistrates.

3114. In the ordinary commission as well as the special commission?—Yes, I was.

3115. Did any case come before you when you were a special magistrate, in which you conceived the clothing to be insufficient, but in which the vestry decided that it was sufficient, and you could not administer the remedy?—The usual clothing which had been given previous to the Abolition Act coming in force, is now, I believe, given to the apprentices, positively I cannot say, as it depends entirely upon the vestries.

3116. Did any special case come before you, of complaint of want of clothing, in which you conceived that the complaint was well founded, but the vestry had decided that it was sufficient?—None.

3117. *Chairman*.] Besides the amount of food secured to the slave by the old slave law, there were certain allowances of fish and things of that kind, was not that the case?—They were generally given.

3118. Have those allowances been generally continued on the estates of Jamaica, as far as you had an opportunity of observing or not?—Generally withheld.

3119. Without any misconduct on the part of the negroes, were they withheld as a punishment for any particular misbehaviour, or is it the general and usual practice to withhold them?—I have heard the proprietors thought that they could not afford to continue those allowances, that is my construction of the reason for their having been stopped.

3120. Have they universally been withheld?—Not universally.

3121. Mr. *Gladstone*.] Were they generally withheld by the poorer, and given by the more opulent?—Some of the more opulent have continued them.

3122. *Chairman*.] Do the negroes purchase those things that were formerly given to them?—I have heard of those things being done, by their giving extra labour.

3123. Do you apprehend that, in point of fact, the negro is less well off in point of food than he was before the Emancipation Act?—No, in point of fact he is not, because he has more time now to cultivate his grounds, the produce of which he takes to market and disposes of, by which means he is able to purchase the things which he received of the master, by the fruits of his own industry.

3124. Did any instances come under your observation, of plantations where the negroes suffered from an insufficient quantity of food?—I have had complaints of the kind, particularly from those properties in the interior, relative to salt, as it is called; it means salt fish, a condiment that is absolutely necessary medicinally, as well for seasoning their vegetable diet. Those who lived far in the interior found great difficulty, as they could not obtain salt provisions for a time, but afterwards, when they found that they were put entirely upon their own resources, they laboured hard upon their grounds, and purchased with the surplus produce of those grounds salt fish and other necessary things, which they required, and which were formerly given to them by their masters.

3125. In the parish of St. Elizabeth, with which you were connected, did any estates come under your own observation where the negroes in your opinion suf-

Captain *W. Oldrey.*

28 June 1836.

fered from an insufficiency of food?—No, because the grounds were ample in St. Elizabeth.

3126. Mr. *Gladstone.*] In the case to which you have adverted, was it a temporary difficulty, which was removed when the negroes had got into the habit of using the time allowed under the new system?—A temporary difficulty.

3127. *Chairman.*] Do the negroes appear to you to consider it a hardship that those allowances are stopped?—At first they considered it a very great hardship, and it tended rather to make them displeased with the change, and I am sorry to say that there was not a conciliatory feeling evinced by a great number of the managers at the commencement of the new system, but everything was done that bad policy could possibly conceive to injure the new system. The old women, the aristocracy of the estates, those who had been accustomed to lie down after having had six children, were compelled again to work; the mothers with children, who were formerly indulged with time to nurse their children, they were compelled to work, and deprived of their former indulgences. When the elder females were thus discontented and the younger women also, it was no wonder that discontent prevailed. We all know very well the influence females have on mankind, and the conduct I have alluded to produced general discontent.

3128. During your stay in Jamaica did there appear to you to be any improvement in the feeling on the part of the planters?—There was some improvement.

3129. Was there an improvement of feeling on the part of the negroes?—There was; they are very susceptible of kindness, and very well disposed when well treated.

3130. Do you conceive, on the whole, that negroes, during the latter part of your stay in Jamaica, did conceive that they were living in a state of things essentially more advantageous to them than what had existed while they were slaves?—Certainly.

3131. Do you conceive that their state of physical comfort was greater as it respects food and clothing?—I think it was, from their own industry alone.

3132. Mr. *Gladstone.*] The means of exercising that industry being supplied to them by the Abolition Act?—By the laws, not by any indulgence of their masters.

3133. Are you induced, from those various circumstances which you have enumerated, to augur favourably for the slave?—If the Abolition and other Acts were to be amended and improved as they should be, I have not the least doubt in the world that the estates in Jamaica will increase in value cent. per cent. before the expiration of apprenticeship.

3134. When you say if the Abolition Act is improved as it ought to be, you refer to such improvements as are suggested in the paper which you have put in?—I could enlarge upon those amendments now. I was asked on my return whether I could suggest anything to the Government, and without delay I sent in some amendments.

3135. Have you, upon the whole, been led to approve of the principle of apprenticeship in the West Indies, substituting an intermediate state between slavery and freedom?—Most certainly, under proper laws.

3136. Have you heard enough of the state of feeling in our West India colonies to judge whether it is, upon the whole, more or less favourable to the apprenticeship than it is in Jamaica?—I have heard that the negro is better off in British Guiana.

3137. Do you think, upon the whole, that there is more difficulty as regards the feeling of the white population in Jamaica than there is in any other colony?—Yes.

3138. Looking at that state of facts, and assuming the fact to be true for the moment, are you led to attribute it to the circumstance that Jamaica has since been the scene of the hottest disputes and agitation upon the subject, and that party spirit runs higher in Jamaica than elsewhere?—Certainly it does, in a great measure.

3139. Do you connect these facts together at all?—Yes, I do.

3140. You have said most unequivocally that the disposition of the executive is to afford protection to the apprenticeship system, and to give the negro the benefit of it; do you feel prepared to give an opinion upon the feeling of the special magistrates, whether, upon the whole, with reference to the general body of special magistrates, so far as you know, the special magistracy partake in that spirit which you have described as animating the executive?—Decidedly I do, with the exceptions that I have mentioned or alluded to.

3141. Then

Captain *W. Oldrey.*

28 June 1836.

3141. Then taking together those two facts, that the executive is disposed to give sufficient protection to the negro, and that the generality of the special magistrates coincide in that opinion, is it then your opinion that with the Act in Aid re-enacted, sufficient protection could be given to the negro?—Not unless other Acts are amended also.

3142. With such amendments as you have intimated or are prepared to intimate, do you think that the apprenticeship system may be so administered by a faithful governor and a responsible magistracy, as to give sufficient protection to the negro?—I do, and if his excellency the present Governor, the Marquis of Sligo, were to remain in the colony to the end of the apprenticeship, I do firmly believe that all descriptions of property would rise cent. per cent.; I can prove that land has increased from 30 to 50 per cent. already.

3143. Were all the facts which you have stated relative to Mr. Mason and others brought out in evidence in the proceedings upon the action against you in Jamaica?—No, they would not allow a single word to be mentioned.

3144. They would not allow the details of the facts to be gone into?—No.

3145. Upon a legal ground?—Upon a legal ground, I presume.

Veneris, 1° *die Julii*, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Gladstone.
Sir Stratford Canning.	Mr. Buxton.
Mr. Charles Lushington.	Mr. Andrew Johnston.
Mr. Thornely.	

MR. LABOUCHERE, IN THE CHAIR.

Captain *William Oldrey*, called in; and further Examined.

Captain *W. Oldrey.*

1 July 1836.

3146. *Chairman.*] ARE there any observations which you wish to address to the Committee with reference to any of the points upon which you were examined the last time you attended?—There are.

3147. What are those points?—First, respecting the clothing; Sir George Grey asked me the question, "If clothing were issued in December 1833, when it would be due again?" of course it would be due in December 1834; but if that question had any reference to Mr. Mason's case, whose clothing was issued in February 1833 and not issued until December 1834, the negro would be legally entitled to his clothing in February 1835, and Mr. Mason would be liable to be punished for having withheld the clothing; that is my opinion. Respecting the opposition that I have met with, the opposition has not been successful with me; some of the pro-slavery party have endeavoured to intimidate me, but have not succeeded. In reply to a question whether I knew of any opposition to any other special magistrates, I said I did not know it from any personal observation, but that the opposition had been general. If I am called upon to explain I can do so; these are the particular points that I wish to explain.

3148. Mr. *Gladstone.*] You were understood in your last examination to say that the opposition to you, the attempt to intimidate you, had been one of the causes of your leaving the island?—It was.

3149. Do you mean the explanation you have just given to be a qualification of the previous statement?—No, the question that I referred to was the last but three or four, I think, whether I knew of any others being opposed, and I said no; but there were many reasons for my leaving. First, from the opposition I met with; secondly, the heavy duties; thirdly, the great expense I was at beyond the stipend and the loss of health.

3150. From a report of the proceedings which I have seen in the Jamaica newspaper, of the action brought against you, the gravamen of the charge against you appears to have been the summoning of the entire body of Mr. Mason's apprentices from both his properties at the same time, and leaving him without the means of carrying on the work and looking after the cattle, or performing the most common office; is that your understanding?—No.

Capt. *W. Oldrey.*

1 July 1836.

3151. Will you state the fact. Did you summon the whole of the apprentices upon the two properties at the same time?—I will, with permission, read my summons. "Knock Patrick, Manchester, Sunday, P.M. December 14th 1834. Sir, I have to request you will attend with the detachment of police under your command, at Northampton pen, on Monday (nine o'clock) of the 17th instant, to assist at a special court to be there held, to investigate into certain charges and complaints which will be then preferred against Mr. Thomas Mason, the present proprietor of those properties. You will also cause all the apprentices belonging to Southampton and Content plantations to appear before said court, at the hour of nine in the morning, in order that they may be examined relative to their master's conduct toward them. A return is to be made to the court of all those who may be reported to be sick or unable to appear to give their evidence, in pursuance of orders from his excellency the Marquis of Sligo."

3152. When you spoke of all those who may be sick or unable to appear, did you mean to allow under those last terms for such as might be detained about the necessary work of the plantation?—Most certainly.

3153. Are you aware whether the whole body of apprentices resorted to the court in compliance with that summons, or whether some necessarily remained to do the necessary work, or whether your order was misunderstood?—I will also read my letter to Mr. Mason on the subject in point. "December 16th 1834. Sir, I have to inform you that I have been honoured with instructions by his excellency the Governor to adopt such measures for securing the attendance of the witnesses whose evidence will be necessary to enable special justices Ramsay and Clinch to form a fair and impartial decision in your case. In obedience to which, I have given directions to Mr. Sub-inspector Samuels to summons and bring before a court, to be holden to-morrow morning, at nine o'clock, the 17th instant, at Northampton pen, all the apprentices belonging to Southampton and Content Hall pens, in order that they may be examined touching their several complaints against you for having violated the slave law of this island, and also the 4 Will. 4, c. 42. Should any apprentices belonging to the above pens not appear, a return will be necessary, in order that their absence may be satisfactorily accounted for." If they were employed in the works they would be satisfactorily accounted for; it was stated on oath that all the second gang did remain.

3154. But it was made matter of charge against you, was it not, that the whole body of apprentices had been taken off the estates?—The whole body did not appear in consequence of my summons; those that did, came in consequence of Mr. Mason having told them that he had gained the day over Captain Oldrey; that Captain Oldrey was sent down by the Governor from Spanish Town, to punish them and to send them to dungeons and prisons; that he could not bear to see them punished, and therefore he recommended them to go into the bush, to hide themselves in the woods. The apprentices knowing that they had not acted wrong, and relying upon my justice, said, "If we fly from Captain Oldrey, to whom else can we look for justice?" and in consequence of their reliance upon my justice, they appeared before the court, but the police could not summon any of them. I will, with permission, read the evidence of Mr. Samuels upon that point. After my letter had been identified, Mr. Samuels gave his evidence as follows: "In consequence of the letter, he went with about 20 policemen on the 16th of December, to Content; it was about 11 o'clock; the police were with him, he took nobody else; he went to Content for the purpose of warning the people; he went the next day, warned as many people as he saw there; did not see any of the people at Content, but he found them at Northampton; that was where the court was held; he saw some old people at Content, but he was told they belonged to Manchester, and therefore did not warn them; he showed Mr. Mason his authority when he went to Southampton; he saw first a watchman, a pen-keeper, and a woman carrying water; he told them what he had come about, and told them to warn all the remainder of the people on both the properties. None of the apprentices accompanied witness's party; he obeyed the directions of the letter; he supposed about 100 negroes attended at Northampton in consequence of the warning."

3155. In point of fact, however, a great number of apprentices did appear at Northampton?—Yes, Mr. Mason, on receiving a copy of my summons, accompanied Mr. Samuels to the negro-houses, and showed him that there were no

negroes

negroes there, consequently that he could not serve the summons upon them, and said that if he waited there a week he would not see one except on Sunday. Mr. Mason had advised his apprentices to go into the woods to conceal themselves, and he expected that they had followed his advice. Southampton was seven miles from Northampton, and Content two and a half. Mr. Samuels saw Mr. Mason at Southampton, who said, "Well, you will not find anybody here." I wish to show that the summonses were not actually served, although I was prosecuted for it. This is the order of the Governor to me to go to the property, which I wish to put in to show that I acted by his directions:—

"The King's House, 12 December 1834: Sir,—His excellency the Governor having though fit that a most complete and minute investigation should be gone into as regards the complaints which were made by the apprentices of Mr. Mason, with respect to the insufficiency of their grounds, want of clothing and of medical attendance, and all other complaints which those people may have to make; likewise an inquiry into the conduct of Mr. Mason towards you during the time these complaints were gone into by you, as well as the circumstances urged by Mr. Mason against you;—I am directed by his excellency to apprise you that for such purpose he has ordered Mr. Ramsay and Mr. Clinch to proceed to Northampton, and on Wednesday next to commence such proceedings.

"His excellency therefore expects that you will attend on this occasion, and afford those gentlemen such information as may assist them in the discharge of the duty delegated to them; and that you adopt measures for securing the attendance of the witnesses, whose evidence will be necessary to enable them to form a fair and impartial decision."

3156. *Chairman.*] When you were last examined, you used the expression, "pro-slavery party," as applied to a class of persons in Jamaica; will you have the goodness to state to the Committee what you understand precisely by that expression?—I used it in contradistinction to that party which is called *les amis des noir*, friends of the negroes; in the pro-slavery party I include the greater part of the managers or planters in Jamaica, the majority of the House of Assembly, and the press, generally.

3157. When you call them the pro-slavery party, do you mean to say that you conceive that they are desirous of re-establishing slavery in Jamaica, or merely that they are in some respects opposed to the conduct and views of those whom you have called *les amis des noir*?—Opposed to the present system.

3158. You stated when you were last examined, that that opposition to the present system, and aversion to the new state of things which it has produced, have been gradually diminishing since you have had an opportunity of observing Jamaica?—I stated that it was diminished.

3159. Mr. *Gladstone.*] Is the Committee to understand that, from the result of your experience, you deliberately ascribe to the bodies which you have named, and to a large portion of the white population of Jamaica, a preference of the old system of slavery to the new system, and a desire, if possible, to return to it; does your opinion go that length, or is it only that you ascribe to them generally jealousy and irritation, and perhaps tenacity and obstinacy?—My opinion is, that the pro-slavery party, as I have designated them, in Jamaica, are decidedly opposed to the present system, and that they use every effort in their power to mar its success; that is my deliberate opinion.

3160. Would it be disagreeable to you to name individuals who you think are actuated by those motives?—I have given a very general scope, the majority of the House of Assembly, the majority of the white population, the majority of the planters and the press.

3161. Has your experience been extensive, or was it chiefly confined to a single parish?—It has been extensive, but it has been chiefly confined to a single parish.

3162. Your direct experience has been chiefly confined to a single parish, in that case you would hardly say that your direct experience was very extensive?—I should say it was, because I was in communication with almost all the owners or many other persons of consideration in the colony.

3163. When you say that you were in communication with almost all the owners, or many persons of consideration in the colony, do you mean official persons, or the great body of proprietors and negroes?—I have been brought into contact with a great many.

3164. But those would be almost exclusively in one parish?—Chiefly; but when I have gone to Montego Bay, and Kingston and Spanish Town, I have ascertained their opinions generally; some members of the Assembly and other gentlemen attending the courts.

Capt. *W. Oldrey.*

1 July 1836.

3165. Have you been in many parishes of Jamaica besides St. Elizabeth?—I have.

3166. In what parishes?—I have been in St. Andrew's, St. Katharine's, St Dorothy's, Clarendon, St. Elizabeth, Manchester, a distant part of Westmoreland, St. James's, Trelawney, St. David's, St. Ann's, St. Thomas-in-the-Vale and in the East; all those places I have been in; I considered it my duty to become acquainted with the general opinions and feelings of the people at large.

3167. Mr. *Buxton.*] Have you reason to believe that this pro-slavery feeling has diminished since you left the colony?—From reports that I have received from very good authority, it has diminished, but still the opposition is very great.

3168. Have you ever known instances of female apprentices being flogged?—Yes, I have in the parish of St. Elizabeth, in the gaol of St. Elizabeth.

3169. Was there a strong and general feeling among the white population of Jamaica hostile to the infliction of corporal punishment upon females?—I should say not; as a proof of it, I was in Jamaica in the command of His Majesty's ship Hyacinth, when Mr. Beaumont proposed that female punishment should be abolished; only four members went to the bar, Mr. Beaumont, Mr. Watkis, Mr. John Salmon, junior, of St. Elizabeth, and some one else; from this I believe the mass of the resident proprietors in 1831 were in favour of corporal punishment.

3170. But the question is as to the feeling now; has there been a change in that feeling, or are they at this moment almost as much as they were formerly inclined to the continuance of corporal punishment upon females?—I should think the deliberate opinion of the House of Assembly, in favour of continuing corporal punishment on females, except four, could not so soon change.

3171. Has the practice of inflicting corporal punishment on females on the plantations absolutely ceased in Jamaica?—Yes, because it is contrary to law now.

3172. You have stated that instances have occurred of corporal punishment having been inflicted on females within the gaols?—Yes, in my own parish it has been done, until I put a stop to it.

3173. Do you conceive that the special magistrates have the power of preventing that taking place?—The special magistrate cannot be always in the gaol; it was contrary to law, yet it was done; but when it was reported to me I instantly put a stop to it, and wrote off to the Governor; and this is a letter to me in reply to my report: "King's-house, 1835.—That part of your letter respecting the use of the cat whilst on the tread-mill, has been referred to the Attorney-General, and it is not expedient that such a large power should be vested in the superintendent."

3174. Do you believe that the steps that were then taken have put an effectual stop to that practice?—I should hope so.

3175. Mr. *Gladstone.*] Are you aware of the precise nature of the motion of Mr. Beaumont to which you have adverted in the House of Assembly?—Yes, it was for the abolition of female punishment.

3176. Do you conceive that the vote of the House of Assembly in opposition to that measure was meant to imply that the corporal punishment of the females was lawful and ought to be maintained?—Yes, it was sanctioned by law.

3177. Has there been any declaration on the part of the House of Assembly in favour of the abolition of the corporal punishment of females since the abolition of slavery?—I have heard of none.

3178. Mr. *Buxton.*] Are you aware that Lord Sligo sent the House of Assembly a message stating the fact that corporal punishment existed in the gaols, and that the House of Assembly took no notice of that message?—I have heard so; and I have read it in the reports of his excellency's speech to the House of Assembly.

3179. That was since the apprenticeship was established?—It was when the Assembly was dissolved or prorogued in the year 1835.

3180. Mr. *Gladstone.*] You have heard then that the House of Assembly took no notice of this message of Lord Sligo, but you have not heard any expression of opinion by the House of Assembly upon that point?—No, I have not.

3181. According to your impression, is the whipping of females legal in Jamaica?—It is illegal.

3182. Have

3182. You say that you have heard of cases which have taken place in the parish of Elizabeth; under what circumstances did they take place?—The females were upon the tread-mill, and I presume that they did not move fast enough on the steps, when the overseer directed the cat to be used, and it was used.

3183. Was it used upon female apprentices exclusively?—Exclusively.

3184. Are you aware whether under the same circumstances, it would have been applied to free females, or whether free females would have been liable to it according to the laws of the workhouse?—I should think not.

3185. Are you aware that they have special laws in the workhouse for the punishment of apprentices which do not apply to the case of free persons?—I do not know of any special law; there is a general law that female apprentices shall not be punished.

3186. The general law to which you advert is the law of abolition, which enacts, that female apprentices shall not be punished upon estates; is not the regulation under which this punishment to which you allude is supposed to have taken place, the law of the workhouse, for the maintenance of workhouse discipline?—I should think not; because no vestry law can be opposed to the law of the island or to the imperial Act.

3187. But the cases of the flogging of females, which you have quoted, are cases in which the punishment purports to have been inflicted, does it not, for an infraction of workhouse discipline?—I presume that it was because they did not move quick enough upon the steps; I can only offer that assumption.

3188. You are not aware of the ground of its infliction?—Only what I have stated.

3189. You have assumed, but you are not positively aware?—I am not positively aware.

3190. How many such cases have you heard?—As a special magistrate for St. Elizabeth, it was reported to me that they had been whipped in my absence.

3191. In how many cases?—I cannot say; but I instantly put a stop to it, and reported it to the Governor; the answer is in his excellency's letter I have now read.

3192. You are not aware how many cases took place, and no statement was made to you upon the subject?—As soon as a case was reported I put a stop to the punishment; I do not know how many had taken place before.

3193. Was the case of corporal punishment reported a single case?—Only one was reported to me; and as soon as it was reported I immediately put a stop to it.

3194. Was it reported to you that it was a general practice to flog females in the workhouse, or was it reported in that particular instance a particular female had been flogged?—I do not know how many times it had been inflicted, but when I returned to the town of Black River to hold a court on the Saturday where the gaol was, it was reported to me that females had been punished with a cat. I promptly inquired into the case, and ordered its immediate cessation. By the first post I made the report that I have mentioned; it was stated that females were punished upon the tread-mill; more than one I found upon the tread-mill at the time.

3195. Mr. *Buxton.*] Was it reported to you that there was a system of flogging females in the gaol?—It was reported to me that females were flogged upon the tread-mill; and instantly, on receiving a report, I put a stop to it.

3196. Do you believe that this was an isolated instance of an individual being flogged, or do you believe that it was a system which was adopted?—I cannot say that it was a system, but I am convinced that many must have been flogged upon the mill. At the time I allude to there were four upon the mill.

3197. And had those four been flogged?—I ordered the cats out of the hands of the boatswains myself when in the act of flogging them.

3198. *Chairman.*] Then you found that there were four females who were about to be flogged?—They were on the steps of the mill, and they were flogged with the cat when the mill was going round; the boatswains had the cats in their hands.

3199. Do you mean that the practice was, that the flogging took place, not as a punishment for misconduct, but that while they were on the mill the whip was used as a stimulus?—Yes, decidedly as a stimulus.

3200. You satisfied yourself of that being the case by personal inspection?—Yes, and instantly put a stop to it.

Capt. *W. Oldrey.*

1 July 1836.

3201. Mr. *Gladstone.*] You, as special magistrate, went into the workhouse, and gave an order to the boatswains to desist from the use of the cat, and they did so desist; is that correct?—Yes, and I ordered the superintendent not to punish any one upon the mill, neither man nor woman.

3202. Your impression in general was that the punishment had never been authorized by the law of the island?—It never was; it could not be.

3203. The Governor bore you out fully in that impression?—He did.

3204. Supposing it not to have been authorized by the law of the island, it was in the power of the executive, without the interposition of the legislative body, effectually to prevent the recurrence of such a practice, or to provide for its being punished when it had occurred?—Certainly, to provide for its being punished when proved to have occurred.

3205. May not that be sufficient to account for the House of Assembly not taking part in any notice of such proceeding, inasmuch as it would seem to devolve upon the Governor, as his duty to prevent it, if the case were already provided for by law?—I have already stated that the Governor did as the executive put a stop to such practices when made known; the law was distinct upon the point, but the law was infringed upon in more workhouses than one.

3206. Was any prosecution ordered against those persons who had used the whip upon females in the workhouse?—Not to my knowledge.

3207. Did it never enter into your mind that such a prosecution ought to be instituted, as they had offended against the law, and besides been guilty of a cruel and a very improper act?—It did; but his excellency, I presume, considered that the superintendent had been guilty of inflicting the punishment more through ignorance than any other cause, and from his conciliating feeling did not order any prosecution, to my knowledge, in the case.

3208. *Chairman.*] Do you know that it was the habit in the gaols in Jamaica to place in the tread-mills males or females that were not apprentices?—I never heard of any free female being put upon the tread-mill.

3209. Are you satisfied that they never were?—I am satisfied none were in St. Elizabeth, and I should think in no other part of the island.

3210. Mr. *Gladstone.*] Practically, with reference to the sufficiency of the law as it exists at present, are you aware that a prosecution was instituted against a supervisor on acccount of a case of female flogging, which occurred in the Trelawney house of correction?—I do not know.

3211. Supposing it to be true, for a moment, assuming the fact, for argument's sake, that such a prosecution has been instituted, and that it has been conducted to issue and that the supervisor has been found guilty for the offence under the slave law, are you of opinion that the sufficiency of the law is clearly vindicated, at least so far as regards the infliction of flogging by supervisors of their own authority?—I am in that case.

3212. Mr. *Buxton.*] But though this opinion would settle the point as to its legality of the punishment inflicted by the supervisor on his own authority, do you mean to say that in case he had the authority of the magistrate, there would be the means of preventing the continuance of that practice of flogging females, and are you so well acquainted with Jamaica law as to say that that will still be illegal?—It certainly would be illegal, even if he had the authority of a magistrate.

3213. Mr. *Gladstone.*] What did you consider to be your legal authority for going into the workhouse and putting a stop to this practice; did you conceive that the clause of the Abolition Act, which constitutes special magistrates, authorized you to interpose in the case of workhouse discipline between the prisoners in the workhouse and those who were set over them?—Most certainly.

3214. Did you conceive that the letter of the law gave you that authority, or that, though the letter did not give you that authority, you were carrying out its spirit and intent?—I consider that I was carrying out its spirit.

3215. Did you or did you not conceive that you had authority under the letter of the law?—I consider that I had, for the law particularly states that no female shall be punished; it is illegal. I had committed some of the women myself. I was a local magistrate as well as a special magistrate; other special magistrates not in the local commission of the peace did not consider that they had a right. A special magistrate, not a local, stated to me in writing, that he had not the power of entering into the workhouses. In me it was lawful; in the other special magistrate, who was not a local magistrate, it was not lawful.

3216. *Chairman.*] How did you happen to be a local magistrate as well as a special

special magistrate?—I was a local magistrate for two parishes, from the month of April 1834, several months before the Abolition Act came into force.

3217. The Governor may, if he please, appoint any special magistrate a local magistrate?—Yes, he may.

3218. Is that usually done?—It is usually done, and I believe the reason why it is now generally done is, on account of the irregularities which have been committed in the workhouses.

3219. Mr. *Buxton.*] Do you know of any law or regulation in Jamaica authorizing a special magistrate to adjudge an indemnification to the apprentice for any wrong or injury done to him?—Special magistrates can only fine to the amount of 5*l.*, and that goes to the island treasury, not to the apprentice; the law in that point is extremely defective; I will give a case: a certain planter in St. Elizabeth told his apprentices that he would knock their teeth down their throat, and they might spit them up again before Captain Oldrey, and he would pay his fine of 5 *l.*; that was Mr. Mason; it came out in evidence in a complaint made to me.

3220. Have you known instances of cutting off female hair?—I have.

3221. Is the custom injurious to the health of the negroes?—Most decidedly it is, in a hot climate like Jamaica; they consider it to be a very cruel thing.

3222. Are you conversant with the operation of the eight-hours' system?—I am.

3223. Will you be good enough to state to the Committee what the operation of the eight hours' system is?—It deprives the apprentices of a half day to go to their grounds to cultivate them, which would enable them to go on Saturday to market; the market may be from 20 to 30 miles from their grounds; the average distance of the markets, I should say would be, taking it from the centre of the parish, 12 miles in the parish of St. Elizabeth.

3224. Will you go on to explain the operation of the eight hours' system?—It gives an opportunity to the proprietor or manager to extract as much work out of the apprentices in the eight hours as in the nine, which is the legal time for field labour, in my opinion; but the Act is so defective, that we cannot compel the masters or managers to work their apprentices on the legal nine hours' system.

3225. Mr. *Gladstone.*] Will you explain how it gives them the opportunity of getting the nine hours' work done in eight hours?—They are sent out to field labour at daylight; they have no clocks or watches to regulate the time, and they are nominally worked eight hours; but I believe they are worked nine, and they are completely deprived of the half day which the spirit of the Act gives them.

3226. Mr. *Buxton.*] So that the first reason why the negroes lose their time is, that the hour of the day is somewhat uncertain, and they do not know precisely the moment at which they should terminate their labours; is there not another objection to it, namely, that they cannot in the short interval after they have been working eight hours, go to their provision grounds?—Most certainly.

3227. And consequently the advantage which it was supposed they would derive of having half the day on the Friday, when they might go and work on the provision grounds, is taken away from them?—It is so.

3228. And, practically speaking, did the negroes consider that of all the hardships they had to endure, the greatest and the heaviest was that of the eight hours' system?—They considered it a very great hardship, and a very great loss.

3229. Have the apprentices been driven, under the adoption of the eight hours' system, to surrender the allowances which they were accustomed to enjoy in a state of slavery?—I have understood so, and it has been resorted to for punishment.

3230. Do you mean to say that, in the first instance, the eight hours nominal are nine hours' employment in point of fact; and secondly, that the half of the Friday is not given to the negro, and consequently that he has not the opportunity of working his provision grounds?—He loses half a day in working his provision grounds.

3231. As far as you knew the state of the negroes, where the eight hours' system was in operation, did they lose the half day on the Friday?—They do; but many of the good proprietors do allow the apprentices to work according to the spirit of the law, which is on the nine hours' system.

Capt. *W. Oldrey.*

1 July 1836.

3232. But where the eight hours' system is in operation, they lose the half Friday?—Yes, it prevents their going to their grounds, for it is impossible that they can go eight or nine or ten miles to their grounds after they are blown off their work, which is at sunset; there is no twilight of any extent in that country.

3233. But you are quite clear in the fact that, where the eight hours' system is introduced, the negroes do not get the half Friday?—They do not.

3234. Mr. *Gladstone.*] Was the eight hours' system, as you have described it, carried into operation on all the estates in the parish of St. Elizabeth, or on a great majority of them?—On the majority; the nine hours' system was followed on a great many plantations; the eight hours' system was enforced, but it is only resorted to by those who are opposed to the law.

3235. During the period to which your experience refers, did any change take place in the proportions of the estates or plantations where the eight hours' system, and the nine hours' system respectively were adopted; and did the number of those on which the nine hours' system was preferred, increase or decrease?—On plantations the adoption of the eight hours' system has increased, and that for the purpose of punishing the negroes.

3236. Of the 18,000 or 20,000 negroes, who were in the parish of St. Elizabeth, were a greater number under the influence of the eight hours' system, when you ceased to be a special magistrate, than there were when you commenced being a special magistrate?—They commenced first of all on the nine hours' system generally, almost throughout the parish; but when they discovered that the law, so vaguely worded, gave them the power of working them on the eight hours' system, it was changed on a great many plantations, not a half, less than a half, a great many.

3237. On a quarter?—I should say about a quarter or a third; I cannot say, but on a great many.

3238. Did any of those who had thus adopted the eight hours' system for the purpose of punishing the negroes, afterwards return to a more conciliating course, and adopt the nine hours' system?—Some did, on my recommendation.

3239. Many of them?—Some of them did.

3240. At the time you went away, what proportions of the plantations were adopting the nine hours' system; were there as many as a quarter?—The plantations generally were working on the nine hours' system; but a great number were working on the eight hours' as a punishment.

3241. Were there as many as a quarter of the whole of the estates working on the eight hours' system when you ceased to be a magistrate?—I should think so.

3242. Mr. *Buxton.*] Do you think that the law would be improved by recognizing only the nine hours' system?—It would be a great improvement, and it would give great satisfaction to the apprentices generally.

3243. You said on the last occasion that it would be necessary greatly to amend the present law of Jamaica; is it your opinion that the local legislature would ever consent to introduce the necessary amendments?—I do not think they would, and therefore it is absolutely necessary that the Imperial Parliament should legislate for them.

3244. What do you consider to be the treatment of the negroes in the workhouse?—Very cruel, very bad; but more particularly I confine myself to the workhouse of St. Elizabeth; I beg leave further to observe, that unless some amendment takes place in the law as now existing in Jamaica, that I firmly believe, that at the end of the apprenticeship, instead of the lands increasing in value, they will decrease; I consider also that it will be the means of doing so much injury to the colony that it will become a second St. Domingo.

3245. *Chairman.*] Are you speaking particularly with reference to the treatment that the negroes receive at the workhouses?—I speak of the general system of laws as they stand; the laws ought to be amended, and unless they are amended, I think the result will be as I have stated.

3246. Do you mean that upon the expiration of the apprenticeship system the other laws that will be in force will be, in your opinion, such as to be likely to produce the disastrous effects which you have referred to?—I consider that the present laws, if continued to the expiration of the apprenticeship, will produce such a feeling on the part of the negro population, that it will be almost ruinous to the colony.

3247. How

Capt. *W. Oldrey.*
1 July 1836.

3247. How do you reconcile what you have now stated with what you said on a previous occasion, that there was a reciprocal and increasing good feeling between master and apprentice?—There is; but it will not be to the extent necessary; there is a great hope that the Abolition Act will be amended by the Imperial Parliament; and I verily believe that that is the reason why so good a feeling exists on the part of the apprentices; the amendments that I could suggest to the law (I speak practically) would, I think, correct all or most of the abuses, and it would be for the general interests of the proprietors at large, and for the comfort and happiness of the apprentices.

3248. What points do you specially refer to, as, in your opinion, requiring correction in the abolition law; are the alterations which you consider necessary explained in the letter to Lord Glenelg, which you have delivered in to the Committee?—Not to the extent that I deem absolutely necessary.

3249. Why did you not, when you wrote to Lord Glenelg, state to him fully what alterations you thought necessary when you were treating on that subject?—I wrote rather in a hurry, and I omitted several things which I can add, if deemed necessary, and I will submit it, if required, to the Committee.

3250. Will you have the goodness to prepare a paper for the use of the Committee which shall contain the additional suggestions which you would desire to make, besides those which are contained in your letter to Lord Glenelg?—I will.

Martis, 5° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Andrew Johnston.
Mr. William Gladstone.	Sir James Graham.
Mr. Thornely.	Sir Stratford Canning.
Mr. Charles Lushington.	Mr. Patrick Maxwell Stewart.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq., called in; and further Examined.

W. Burge, Esq.
5 July 1836.

3251. *Chairman.*] WILL you have the goodness to proceed with your observations upon the subject of the Jamaica enactments?—I will refer to those observations which have been made upon the subject of flogging females. It has been supposed that there is an authority existing in the law of Jamaica for flogging females; it has been alleged that the practice of flogging females prevails in Jamaica since the passing of the Abolition Act; this allegation rests on the supposed authority of the following passage of the Governor's speech, made by him on proroguing the Assembly, on the 3rd of February in the present year: "You were reminded that the infliction of corporal punishment had been deputed to the supervisors and managers of such establishments, a class to which the constitution does not confine those magisterial powers, which have been here placed in their hands; all of these subjects have remained unnoticed. The whipping of females, you were informed by me officially, was in practice, and I called upon you to put an end to conduct so repugnant to humanity and so contrary to law; so far from passing an Act to prevent the recurrence of such cruelty, you have in no way expressed your disapprobation of it; you have not even denied the truth of my assertion, and therefore must have credited it, notwithstanding you have taken no step to put an end to the practice." The Committee will be so good as to bear in recollection, that the speech of the Governor was made on the 3rd of February. It is right for me to bring to the knowledge of the Committee the proceedings which had taken place from the time the house was first called until this prorogation. Lord Sligo had called the House of Assembly together at a very unusual and inconvenient period, namely, in the month of August. The session which he then convened consisted of no other acts than the delivery of his speech and his receiving the address of the Assembly in answer to it. On receiving it, he thought proper to dissolve the Assembly. The consequence was, that it was not possible for the Assembly to meet again before the 10th of November, which was three weeks later

W. Burge, Esq.

5 July 1836.

later than its ordinary period of meeting, the time for getting through the important business, which in a large colony like Jamaica must engage their attention, was too circumscribed to admit of being completed before the Christmas holydays. They were under the necessity, on the 17th of December, of applying to the Governor for an adjournment over the holydays. The presence of the members on their properties at that period of the year is indispensably necessary. That adjournment accordingly took place, and the house again met on the 26th of January. On the 1st of February the Governor sent down that message, which the house considered, and on the 2d of February declared by a resolution to be an invasion of their privileges; and by that resolution the house further declared, that they could not, consistently with their own duty or with a due regard to their rights and privileges, proceed to any other business till reparation was made for that breach of privilege; on the same day the house sent this resolution to the Governor. On the 3rd of February, the day immediately following, the Governor sent for the house, and by the speech which I have just now read prorogued them until the following day. On the following day the house again met, and the Governor having made no reparation for the breach of privilege which he had committed, the house renewed their resolution of the preceding session, and sent a message to the Governor, informing him that they could not proceed to business until they had obtained reparation for that breach of privilege. On the 5th of February the Governor sent a message, reiterating his conviction that he had made no breach of privilege, and refusing to make any reparation. The consequence was, that the house came to the resolution, "That his excellency's message this day, reiterating his conviction that he had committed no breach of the privileges of this house, is not satisfactory, and therefore this house cannot, consistently with its rights and privileges, proceed to any further public business." The Governor then, on the same evening, prorogued the Assembly by proclamation. The Committee, therefore, will perceive, that after the Governor had called their attention on the 3rd of February to this subject of the flogging of females, and the power delegated to the supervisor of the workhouse, which he considered that they had admitted to be well-founded, no opportunity presented itself for the house sitting as a House of Assembly to give any answer to it, because the breach of privilege committed by the Governor and his refusal to make reparation for it, had precluded the house from proceeding to any other business; but they did make a representation, distinctly and unequivocally denying the truth of the statement in the Governor's speech, and the representation was made in a strictly legal and constitutional manner; it was made in strict conformity with and under the authority of the law of the island. The members of the Council and Assembly, by virtue of Acts of the legislature, which have been renewed from time to time for about 120 years, exist as a known recognized legal body, even when the Assembly is dissolved, and *a fortiori* when it is prorogued. They have the power, under the law which appoints them, of meeting and making their representation to the Government, through their agent, also appointed by law. They are required by the law to give a certain notice of the time of their meeting, in order that all those who are members of either branch of the legislature may attend and decide upon the nature of the representation which shall be made to the Government. Having given that notice, they met, and resolved upon making that representation; and accordingly, by their despatch to me of the 7th February, they addressed to me that representation, and directed me to lay it before His Majesty's Government. That representation is in the papers which were read by an Honourable Member the other day. I hold in my hand the despatch which was addressed to me by the committee of correspondence, which is signed by twenty-six members of the House of Assembly; the signatures are here, and the passage which is in this despatch was transcribed by me in conformity with my instructions, into the statement addressed to Lord Glenelg, and in which statement the House of Assembly, for I use that term to designate the individuals who compose it and who formed the committee of correspondence, distinctly deny the fact of any such practice existing. The passage in their despatch and in this statement is to this effect: "The house replies that they cannot allow their silence on this topic as any evidence of their assent to his excellency's proposition; rather should it be taken as a proof of their courtesy and forbearance, which would not suffer them to deny what the King's representative asserted as a fact, although it was well known to the house that his excellency had been grossly imposed upon by some enemy of the island. The house repudiate in the strongest terms

terms they can find, the accusation that the whipping of females is practised in Jamaica. The house must lament that the broad and positive declaration by the noble Marquis, that the practice of flogging women is common in Jamaica, is calculated to raise in Great Britain a repetition of that clamour of which this colony has been so much the victim. The public prints noticed some time ago, with reprobation, the whipping of a female in the Kingston workhouse. This claimed the interference of the executive and the punishment of the offender, but could not require a new law; for his excellency remarks in the passage recited, that the practice was contrary to law. Another case took place in the Trelawney house of correction, for which the supervisor was dismissed by the magistrates, and a prosecution is now pending against him for an assault on the individual. We are ignorant of any other instances of the whipping of females. It is true that such acts are against law, and also subject to severe penalties, that it is beyond the duty or power of the legislature further to interfere. The laws which the legislature have passed, it is the province of the Crown to carry into execution." Now I would refer to the fact which is here mentioned of the prosecution of the supervisor of the Trelawney house of correction on the 15th of March last at the Cornwall Assizes. This supervisor was found guilty, because under the law this supervisor had no authority to flog females.

W. Burge, Esq.

5 July 1836.

3252. Did the committee of correspondence mean to affirm in the despatch which you have just read, that the practice of flogging females actually did not take place, or that it was illegal?—I consider them as asserting both facts, that the practice did not prevail and that the practice was contrary to law, and they refer to the only two instances which have came to their knowledge of such a practice having taken place, the one which occurred in the workhouse in Kingston, where the executive immediately interfered and the party was removed; and the other, which took place in the Trelawney house of correction, where the supervisor was removed and a prosecution was pending against him.

3253. Is it not possible that more instances of this practice may have taken place without its coming to the knowledge of the committee of correspondence?—I should say, that as the members of the House of Assembly were resident in different parts of the island, and generally were persons of property and magistrates, if the practice of flogging females prevailed, or if it had been sanctioned either by any regulation in the workhouse or by any authority given by a magistrate, it must have been known to them.

3254. Were you present the other day when Captain Oldrey stated to this Committee in his evidence, that he had himself seen four females on the treadmill in the parish of St. Elizabeth, who were subjected to the lash while they were on the treadmill?—I heard him state so, and I do not at all mean to controvert a statement, of course, which fell within his own observation, but I refer to the statement made by the committee of correspondence, for the purpose of showing that those were the only two cases which had come to their knowledge; and therefore, that the practice could not have prevailed to any extent, and that it was deemed by them to be contrary to law.

3255. Supposing this statement of Captain Oldrey to be correct, does not that prove that such a practice might exist, and yet have escaped the knowledge of the committee of correspondence?—That particular instance might have escaped their knowledge unquestionably; but it does not appear to me possible that such a thing could have been a proceeding practised without other instances having come to their knowledge besides those two, which they aver were the only instances which had come to their knowledge. That it was contrary to law is evident from the conviction which took place in March last, of the supervisor of the workhouse of Trelawney; that conviction proceeded on the ground that it was contrary to law. My own impression most decidedly is, that after the passing of the Abolition Act, it is impossible to maintain that either a magistrate or a supervisor has authority to punish female apprentices by flogging. It seems to me clear, that if there had crept into the regulations of a workhouse any looseness of expression seeming to authorize it, which I really do not know, for I am not aware of any regulation or any law which authorizes it, and I have given myself some trouble to discover it, as it would be at variance with the Abolition Act, it must and would be corrected by that Act.

3256. Would it not be in the power of the Governor, supposing it admitted that the law forbids the flogging of females in the workhouses, to issue a general direction to all the supervisors of the workhouses within the island of Jamaica,

W. Burge, Esq.

5 July 1836.

calling their attention to this state of the law, and strictly forbidding the practice?—No doubt; and it is scarcely possible to conceive that the thing could have taken place without having been reported to the Governor, and we find in the instance which does take place, of the person in the Trelawney workhouse coming to the knowledge of the Governor, that party was prosecuted by the Attorney-General at the assizes, and was convicted.

3257. Do you know whether any step of the kind, to which I have alluded, has been taken by the Governor?—I am not aware of it; but the Governor may put himself of course in communication, by means of his secretary, with every supervisor of a workhouse in the island.

3258. Is there a workhouse in every parish?—Yes.

3259. Are there visiting magistrates, as is the practice in England?—There are visiting magistrates in every parish.

3260. Have the special magistrates free access to every workhouse?—I take it for granted that they have; if there was any difficulty arising from the distinction between the local magistrate and the magistrate having a special commission, the Governor might obviate that at once by granting a special magistrate a local commission. I believe it was at my own suggestion that clause was introduced into the Act, by which the Governor might grant local commissions to every special magistrate.

3261. Then are you of opinion that, without any new Act, it would be in the power of the Governor to take measures which would prevent the slightest chance of the recurrence of this practice?—I have not the slightest doubt of it.

3262. Mr. *Johnston.*] Have you any evidence of the judgment in the case of the prosecution of the supervisor of the Trelawney workhouse?—I have no evidence of it; but the source from which I derive my information of that trial and that conviction, is one of the newspapers of the colony, which reports the proceedings of the assizes for the county of Cornwall, held in the town of Montego Bay in March last; I have no record of the conviction, but the indictment was tried before the Chief-Justice of the island.

3263. Mr. *Gladstone.*] Have you any account from any Jamaica newspaper which you can put in?—I have not any Jamaica newspaper with me at present, but I will hand it in when I come on a future day.

3264. *Chairman.*] Do you remember whether the cases of flogging which you have alluded to were similar to those described by Captain Oldrey the other day, in which the apprentices were placed upon the tread-mill, and the lash used as a stimulus?—I had no knowledge whatever of it until I heard the instances mentioned here by Captain Oldrey the other day; I had not the slightest notion that such a practice prevailed.

3265. Mr. *Johnston.*] Will you turn your attention to a clause of the Jamaica Gaol Act, of the date of the 4th of July 1834, in page 300, in which it is stated that a justice of the parish to which such prison, &c., may belong, shall have power to inquire upon oath, &c., to order the offender to be punished, &c., or by personal correction; in reference to your opinion, that there is no law regarding Jamaica by which the flogging of females could have been at all justified, may not this phrase which is used, "or by personal correction," give sanction to the practice?—My opinion is, that there is one principle by which every Act must be construed, if its terms be ambiguous, and even though its terms should be express, and that principle is furnished in the express prohibition contained in the Abolition Act, and by its annulling any provision in a colonial Act contravening that prohibition. When I find the British Act of Parliament expressly enacting that any act of the colonial legislature authorizing the infliction of whipping on female apprentices shall be null and void, I apprehend that it would be the duty of a court of justice to take that Abolition Act and the colonial Act, to read the one in reference to the other, and certainly not to give such a construction to the colonial Act as would be at variance with the express prohibition contained in the Abolition Act.

3266. Mr. *Gladstone.*] With reference to that particular clause of the Jamaica Gaol Act, it being general in its terms, would it not be in direct violation of a known and universal principle in the interpretation of laws, to refer that general enactment to a specific and subsequent enactment upon the same subject?—Clearly so.

3267. Was it in the form of a speech that Lord Sligo first addressed the Assembly on the subject of the whipping of females?—No; it was one of 14 messages sent down by him to the House of Assembly on the 17th of November.

3268. Did the whipping of females form exclusively the subject of that message?—The message is this; it refers to the regulations respecting gaols.

His excellency the Governor is compelled to request the attention of the legislature to the Act for making further provision for the building, repairing and regulating of gaols, houses of correction, hospitals and asylums, for the purpose of completely guarding against certain abuses, which if not specifically declared to be illegal, are liable to occur in the administration of that law.

It is plainly impossible that all the minute rules required for the good government of the places of confinement and punishment, varying as they must with different circumstances, could be introduced into a statute of the island. The power of making such rules was unavoidably delegated to the justices assembled at the general or quarter sessions, who must be considered as the unexceptionable depositaries of such trust. But a construction may in some instances be given to a power thus delegated completely at variance with the wise and humane regulations of the law for the abolition of slavery, which should always be taken in connexion with any measure affecting that class of persons for whose benefit it was framed.

His excellency understands that the power of inflicting corporal punishment at their own discretion has been trusted to the supervisors of workhouses; those persons, however respectable they may be, are not in his excellency's opinion of the class in life to justify such confidence. Instances which have recently come before the public show that this is not a loose assertion, and the fact that the magistracy, whom the spirit of the British Constitution entrusts with the power of summary punishment, are chosen out of another class, confirms him in the sentiment. He hopes, therefore, that the supervisors may be deprived of that power, and that it may be reposed in the magistrates and no one else.

A much more serious breach, not only of the spirit but even of the letter of the law, has been committed under the supposed authority of the Act in question. His excellency alludes to the rule permitting the use of the whip upon women by the superintendents of tread-mills. This is a direct infringement on the 21st section of the Abolition Act, which expressly forbids the whipping of the women under any circumstances.

3269. Did the House of Assembly make any answer to that message?—They did not.

3270. Did they give answers to all the other 13 messages?—No.

3271. To how many of them did they give answers?—"That the 1st, 2d, 3d, 4th, 5th and 6th messages do lie upon the table; that the 7th be referred to a committee of the whole house, to inquire and take into further consideration the state of the island."

3272. Then it appears that the two messages which refer to the state of public accounts and the 14th message, were the only messages of the whole number upon which measures were proposed to be immediately taken?—They were.

3273. What was the subject of the 14th message?—"I am commanded by his excellency the Governor to lay before the house an estimate of the expense of keeping clean and in repair the arms belonging to the island in the year 1836."

3274. Therefore, as it was for the year 1836, it in its own nature required to be taken into consideration?—Necessarily so.

3275. What is the date of the order which you have just read to the Committee that such and such messages do lie upon the table?—It was on the 17th of November the message of the Governor was sent, together with the other thirteen, and on the same day this order was made that some should be taken into consideration, and that others should lie upon the table.

3276. When do the Christmas holydays commence?—It is desirable that the house should break up between the 14th and the 20th of December, in order to enable gentlemen residing at a distance to go home to their estates.

3277. Were there any other subjects in which the house was necessarily called upon to occupy itself during the interval between November and the Christmas holydays?—Necessarily so; at the time that Lord Sligo prorogued the house there were no fewer than twelve bills, among others the Act which imposes taxes upon the importation of articles from different parts of the world, and various petitions of individuals; and I hold in my hand this mass of paper, constituting the votes of the Assembly, without the appendix, which would show the proceedings of the house from the 17th of of November.

3278. Were there any subjects of great legislative importance connected with the state of the island, which commanded immediate attention, and somewhat like exclusive attention on the part of the House of Assembly?—There was a police Act, "An Act for the Colonization of the interior part of the Colony, for

W. Burge, Esq.

5 July 1836

increasing Emigration, and the Subsistence of the Troops." The case of persons having claims of a small amount to compensation in the colonies, I should say, as far as my experience goes, I have seldom, if ever, seen a session which had a greater proportion of business requiring immediate attention than that session which met on the 17th of November; the house was necessarily obliged to confine itself very strictly to the public business, because they had been deprived of three or four weeks of the ordinary time which had been accustomed to be appropriated to the discharge of the public business of the island.

3279. Is the period before the Christmas vacation, that in which they usually vote the supplies?—The supplies are generally the last measure voted by the house.

3280. After the Christmas vacation or before?—After Christmas, if the session is not finished before Christmas; except from some accidental circumstances the house, by meeting in October, is enabled to get through its business before the Christmas holydays, and thus a great expense and inconvenience to the members are avoided.

3281. Were any proceedings taken, to your knowledge, upon any of those eleven messages that were placed upon the table of the House of Assembly before the Christmas vacation?—I find, on the very next day, upon the 18th, the second message of the Governor, which was a particular communication on the subject of the Act in Aid, was taken up again and read, and then was referred to a committee. The twelfth message from his excellency the Governor was taken up and again read and referred to another committee.

3282. As other messages from the Governor were taken up, and measures instituted upon them, what do you conceive to have been the reason why no notice was taken of this communication relative to the government of gaols, and particularly to female flogging?—The reason is stated by the committee of the House of Assembly, in their communication to me, and which forms part of the papers before Parliament, that it was not necessary, that the practice did not exist, and, as they said, in order to avoid giving to the Governor's statement, what they must have given, a direct contradiction.

3283. The Governor in his message speaks of a rule in workhouses which allows of the infliction of this punishment upon females; are you aware of such a rule?—I am not.

3284. *Chairman.*] Though the Assembly may have been correct in saying that this practice was illegal, does it appear to you that they were correct in saying that in point of fact it had not taken place in any instances?—They are not pledging themselves that those may be the only two instances; I do not read their paper in that way, but they are denying that such a practice can be considered as prevailing, and they allege that they know of only the two instances they mention.

3285. They mean that it was unusual, not that it had never taken place?—I do understand the statement in the way I have mentioned.

3286. Mr. *Gladstone.*] Then it appears that the Governor and the House of Assembly were of one mind, as to the sufficiency of the powers which might be employed under the existing law to prevent this practice?—Yes.

3287. Is it your own opinion that a special magistrate, whether a local magistrate or not, has power to visit the houses of correction?—I conceive so, certainly.

3288. Are you aware whether, in point of fact, most of the special magistrates in Jamaica are local magistrates, according to the suggestion that you offered?—I believe they are; I do not know to what extent that clause has been adopted, but I can myself see no objection to every special magistrate in the island having a local commission.

3289. Do you think that the Governor had a right to issue a proclamation, warning the supervisors against the flogging of females?—A perfect right.

3290. Have the House of Assembly such a right?—No, it would have been illegal for them to do that; they must leave that to the executive, thinking that the law was quite abundant to prevent such an act.

3291. Are you of opinion that, though it is illegal for the superintendent of the workhouse, of his own authority, to order females to be flogged, yet that the magistrate has the power to authorize such punishment?—I do not conceive that he has.

3292. Are you decidedly of opinion that he has not that power?—Perfectly so; I feel it impossible to reconcile such a power being placed in the magistrate, with that express enactment in the abolition law, which prohibits the flogging of females, and which annuls any law contravening that prohibition.

3293. Mr. *Johnston.*] Will you turn your attention to the 17th clause of the Act; is there not an exceptional reference to this matter; on looking to the 17th clause of the imperial Act, it is provided in that clause that females shall not be punished by whipping; but at the close of the clause there is a provision, "That nothing in this Act contained doth or shall extend to exempt any apprenticed labourer in any of the said colonies from the operation of any law or police regulation which is or shall be in force therein, for the prevention or punishment of any offence, such law or police regulation being in force against and applicable to all other persons of free condition;" may not a justice have a power, under the Jamaica Gaol Act, of enforcing the punishment of the females under the terms there used of personal correction?—I do not think so.

3294. Where does it occur to you, that there is anything repugnant or contradictory in the Jamaica Gaol Act, with the provision in the imperial Act?—Because I find this expressed prohibition of flogging female apprentices, and I cannot read this proviso in such a manner as in fact to nullify that prohibition.

3295. Then you do not hold that this proviso, which is embodied in the same clause, has the effect of doing away with the provision which is antecedent to it?—I must read that *reddendo singula singulis*; I cannot read it as authorizing any justice of the peace to punish any apprenticed female by whipping or beating the person.

3296. Has he no power to inflict punishment upon her as a prisoner, in the house of correction, in the same way as he would inflict a punishment upon any other person there?—I apprehend that under this clause, if there exist a regulation applicable to all persons who are in the workhouse in the character of criminals, that regulation is applicable to all alike, and that it affects apprentices, subject however to the restriction contained in the abolition law in relation to the flogging of female apprentices.

3297. Mr. *Gladstone.*] Do you not think that the breadth of that prohibition to flog females is restricted by the proviso at the end of the clause, as much as the other clauses are restricted?—I should doubt it.

3298. Will you explain to the Committee the ground of that doubt, or make clear the principle that that enactment is excepted from the operation of that proviso?—I can satisfy the terms of that proviso, without importing into it the whole of the prohibition contained in the previous enacting part of the clause; I am not bound to import into it that part which prohibits the punishment of females by flogging, because there are other species of punishments which are permitted to be inflicted by others than the special justices; but that description of punishment is inflicted in workhouses under regulations that have been made, and which are applicable to all descriptions of criminals.

3299. Do you think that that does satisfy the terms of the proviso?—I think so, when I look to the object of the Act.

3300. Mr. *Johnston.*] Although under the imperial Act the magistrate has no power to punish by flogging, the question arises whether he has power to commit such females against the abolition law to the workhouse, and then when those females became inmates of the houses of correction, these cases falling within the scope of the regulations in Jamaica Gaol Act, whether giving a fair common sense construction to the clause to which your attention has been called, a justice is empowered to direct the punishment or the personal correction on those females, irrespective of the imperial Act, inasmuch as the provision by which the 17th clause is guarded expressly excepts any previous regulation or police laws, which have been or may be passed by the Legislature at Jamaica?—It is a matter of opinion; I cannot put it otherwise than I have put it already, and that is my impression; my opinion is, that they cannot under that clause flog females.

3301. Mr. *Gladstone.*] What are the terms of the Jamaica Act, in which it interdicts female flogging?—Verbatim with the imperial Act. The 21st clause is, "That it shall not be lawful for any person or persons entitled to the services of any such apprenticed labourer, or any other person or persons other than such justices of the peace holding special commissions to punish any apprenticed labourer for any offence by the whipping, beating or imprisonment, &c."

W. Burge, Esq.

5 July 1836.

3302. Mr. *Johnston.*] Is felony punishable by flogging under the Jamaica laws?—No person found guilty of felony is sentenced to the workhouse; they are sentenced to the gaol.

3303. Do any of the courts of Jamaica, under the laws of the island, ever inflict the punishment of flogging for felony?—I have known instances of flogging.

3304. But the Committee is to understand that the courts of Jamaica may sentence to flogging in the case of felony?—No doubt about it.

3305. Without distinction of sex?—Without distinction of sex; I know no law against it.

3306. Then previous to the abolition law coming into operation, did the practice of female flogging prevail in Jamaica?—The practice of flogging females did prevail.

3307. Mr. *Gladstone.*] Several cases have come under your notice, in which it has been stated that female flogging has taken place in the workhouse; have any of those been cases in which it has been alleged to have taken place under order of a magistrate?—No, I know nothing of instances, except the two which are contained in this despatch of the committee of correspondence, the one Captain Oldrey spoke of.

3308. Did you understand that in any of those which had been made known to you the order of a magistrate was supposed to be given?—I am not aware whether the order of the magistrate was or was not given. As connected with this subject, I ought here to advert to an imputation which was made the other day, that there was a party in Jamaica called a pro-slavery party, whose object was to defeat or to render futile the enactment of the Abolition Act; I beg leave to express my firm conviction that this is an imputation which has no foundation; I do not believe that there exists any such party, and further, I am perfectly convinced that the whole proceeding which led to the late prorogation of the House of Assembly originated not in any unwillingness to renew the Act in Aid, but from a conviction of the necessity of maintaining their rights, which had been invaded by the interference of the Marquis of Sligo. I can give you a strong proof of the correctness of this belief: since the Committee met on Friday, accounts have arrived from Jamaica, from which it appears that the Government here having honestly and fairly directed Lord Sligo to make reparation for the breach of privileges which had been committed by him, and he having obeyed that direction by sending my Lord Glenelg's despatch, addressed to Lord Sligo, the House of Assembly did not allow 24 hours to elapse before they immediately brought in an Act corresponding precisely with that Act which Sir George Grey introduced into the House of Commons, and when the packet sailed on the 27th, although it was only the third day after the house had met, the Bill had been engrossed, and was to have been read a third time that night.

3309. Mr. *Johnston.*] Your opinion, in reference to what you have stated as to the party termed the pro-slavery party, is formed from the knowledge you have of the island?—It is formed in this way: I resided 20 years in Jamaica; I am on intimate terms with by far the larger number of the members of the House of Assembly; I am in constant unreserved confidential communication with a very large number of them; if there existed a desire on their part to defeat or impair the Abolition Act, I think it is impossible but that in the unreserved correspondence which passes between them and me (I am not speaking of public despatches, but private letters) I must have seen something of that desire, something to have justified me in believing that such a desire existed, if, in point of fact, it did exist, but I have never, so help me God, seen a single expression in any letter addressed to me to justify me in the suspicion that there was any body in the House of Assembly who would wish to defeat or impair the Abolition Act.

3310. Do not you think that the opinion of a gentleman who was in Jamaica since the Emancipation Act came into force in the capacity of a special magistrate is entitled to some weight, in reference to the proceedings under that Act, which he saw with his own eyes?—I say not equal to the opinion of a person who is in unreserved communication with persons there, and whom he knows; Captain Oldrey resided in the parish of St. Elizabeth, which was 30 or 40 miles in extent; his avocations could not take him into other parts of that large island, and he could not be in communication with many persons, so as to know what was passing on other estates; I consider myself to have better means of forming a correct judgment upon the motives and dispositions of the great body of proprietors

prietors than Captain Oldrey, who, till he came there, must have been wholly unacquainted with their habits and disposition.

3311. You admit that the special magistrate, to whom allusion has been made, was fairly entitled to form his opinion from what he saw in the parish of St. Elizabeth?—He might form his opinion from what he saw. I am not at all disposed to question the credit of the witness, but I cannot sit here and hear an attack made upon the House of Assembly, and motives imputed to them in their own conduct, for which I believe there is no foundation, without stating, as far as my own opinion and my own knowledge go, an opinion founded upon experience, that there is no foundation for that attack.

3312. Had not Captain Oldrey an opportunity of meeting with his brother special magistrates, and learning from them the condition of the apprentices, and the working of the apprenticeship system?—I do not dispute that he had the power of seeing with his own eyes in his own district, and of learning from others the working of the apprenticeship; but when Captain Oldrey is speaking as to the motives which govern the individuals who compose the House of Assembly, and the large body of white proprietors, then I think myself quite as competent, and more competent, to judge of the motives which are prevailing in their minds than Captain Oldrey; I will make another observation on this subject. Notwithstanding the strong and jealous feeling in the House of Assembly upon the subject of the invasion of their privileges, I know that a powerful motive which induced them, without the slightest hesitation, to pass that Act in Aid was to repel the imputation which had been made against them in this country, of their not acting *bonâ fide* under the Abolition Act, and of their entertaining a desire to defeat its provisions; I know from long experience the jealousy with which they watch any attack on their privileges. The promptitude with which they applied themselves to the passing of this Act proceeded from their desire to disabuse the public mind, and to show that they had no desire to defeat the Abolition Act.

3313. *Chairman.*] Do you believe that there is an increased feeling on the part of resident proprietors in Jamaica, that the system of apprenticeship which now prevails, and the system of complete freedom, which is about to obtain in that island, is compatible with their comfort and interests?—I believe those who had doubts about the apprenticeship system, many of them are become much more reconciled to it than they were; there are others who entertain doubts about it, but they consider that the law is passed, and there is no disposition, as far as my information goes, to defeat the law; there has been a contrariety of opinion as to the probable issue, but much less now than there was.

3314. But you think, on the whole, that there is less irritation than there was?—Decidedly, and in truth, what has been supposed to be hostility towards the measure itself has been rather irritation in consequence of measures which were perfectly independent of it, for instance, the feeling on the subject of police and of emigration, two measures to which they attach great importance, and respecting which the Governor took a different view from them; those are measures in which they were thwarted in a manner very unsatisfactory, and they have produced a degree of dissatisfaction which has been mistaken for a feeling of hostility to the measure of apprenticeship.

3315. Mr. *Johnston.*] Do you hold the official situation of agent for Jamaica?—I do; and if the question is put to me on the supposition that my appointment of agent can influence the evidence I give, the person suggesting that question is very much mistaken, and does me great injustice. It is perfectly well known, that upon the subject of the Act in Aid I strongly and anxiously urged that the Assembly should pass it upon this ground, that if the unjust endeavour to prevail on the people in this country to believe that there is a disposition in the House of Assembly to defeat the provision of the Abolition Act had in any degree succeeded, they should at once be disabused by passing this measure.

3316. Who are your constituents?—The Council and the Assembly of Jamaica.

3317. Mr. *Gladstone.*] With reference to the appellation, the pro-slavery party, is there not, on the other hand, a party who have been designated as enemies to the peace and prosperity of the island, and who have fomented rebellion among the slaves?—Yes.

3318. Do not you think it probable that those who used terms of excitement might be inclined to think that neither of the appellations which resulted from

W. Burge, Esq.

5 July 1836.

that sort of feeling were to be interpreted as literally correct, but that they were indexes rather of the excited state of the minds of those who used them, than indicative of the intentions of those to whom they were applied?—There is a party there considered as representing a powerful body in this country, who before the abolition of slavery were called the anti-slavery party; there is a part of the press under the influence, as I have heard, of that party. The most fortunate event for that island would be the cessation of all interference on their part. Whilst they impute to the community motives and feelings by which they are not actuated, it is not surprising that many of that community should attribute to those from whom that imputation proceeds feelings and motives which they disclaim. In such a state of things there will be irritation on both sides, leading to the expression of views which neither may really entertain, and language is used conveying much more than either party really intends or desires to convey.

3319. Mr. *Johnston.*] Have you any objection to state your own opinion of the apprenticeship?—It is the law of the land.

3320. Mr. *Gladstone.*] Do not you think it probable that there has been a great exaggeration in the appellatives which have been bestowed on both sides?—No doubt of it.

3321. Mr. *Johnston.*] Will you give an opinion as to your experience of the apprenticeship system?—The question whether the original establishment of the apprenticeship was advisable is wholly different from the question whether, having been established, it should be terminated before the term of apprenticeship had expired. My answer to the one question does not influence my answer to the other. I had strong doubts at the time the measure of emancipation was passed whether there might have been found some other intermediate state besides that of apprenticeship. One of the circumstances which made me hesitate extremely upon the subject of apprenticeship, was my apprehension that it might afford occasion to keep up on the part of persons in this country those feelings of suspicion and distrust towards those entitled to the services of the apprentices, and I feared that the consequence of those feelings and of the expression of those feelings, would be to excite in the apprentices discontent and dissatisfaction towards their employers, so that at the termination of the apprenticeship, instead of their entrance on their state of absolute freedom with the best possible disposition towards their former masters, a contrary disposition might exist. They might be persuaded to believe that something to which they were entitled had been withheld from them during the apprenticeship. Feelings of the greatest mutual kindness and confidence should be cultivated between the employer and apprentice, for the sake of both, and with a view to the prosperity of the colony. The surveillance, the suspicion, the misrepresentation for which the apprenticeship would furnish occasion, would, I feared, be very adverse to the cultivation of those feelings—I am so perfectly convinced that the successful results of this great measure of emancipation, both as they relate to the real happiness of the negro population and the prosperity of the colonies, depend on the kindness and confidence which exist between the apprentices and their employers. I always feared the possibility that apprenticeship might lead to the counteraction of those feelings, and that therefore, in that point of view, before the emancipation measure was passed, I entertained doubts of its expediency, but I ought in justice to those who framed the measure to state that I did not express those. I could not take upon myself the responsibility of urging my own opinion as an individual, when it was opposed to that entertained by the large body of the persons interested in West India property who were in favour of the specific measure of apprenticeship, but it is perfectly well known that, thinking it possible that there might be many in Jamaica and perhaps in the Assembly, who might entertain an opinion similar to mine on the subject of apprenticeship, that I suggested to Lord Stanley the expediency of giving to Lord Mulgrave, then the Governor of Jamaica, such directions as would enable him to assent to an Act, although it did not adopt the specific measure of the apprenticeship. But although my own opinion before the abolition measure was passed was in favour of some other intermediate state, yet the apprenticeship having been adopted, I consider that nothing would be so mischievous as any measure which should put an end to that apprenticeship before the term prescribed for its expiration.

3322. *Chairman.*] You mean putting an end to apprenticeship before the time when it can legally expire?—Of course. I wish to add, that my feeling always was

was that it was absolutely necessary that there should be some intermediate state, and the question in my mind was, whether apprenticeship was the best state.

3323. Mr. *Johnston.*] Have you any objection to state your own opinion of the working of apprenticeship at present?—Some communications which I receive represent it as working well; others, on the contrary, represent it as working not well; and others represent it as working very badly. There is an infinite variety in the disposition of the apprentice; in other instances the variety of opinion may be the consequence of the mode of management. I can only say that in a great many instances it appears to be going on very well; I have heard no extensive complaint.

3324. Keeping in view the information which you have received, can you form any opinion of your own with reference to the question which was put to you of the working of the apprenticeship?—It would, after all, come to the calculation whether the favourable reports were entitled to greater weight than those of a different character. To determine to which to give the preponderance, I must have a great deal of information and cool observation, which, residing here, I cannot have acquired. I have no hesitation in saying that it has worked much better than I ever expected.

3325. Then the Committee is to understand that you have formed no conclusive opinion upon the subject?—Not having been at Jamaica to see the working myself, I can act only upon the information of others; that information goes a very little way in enabling a person to form an opinion. There are opposite statements, both of which may be well founded with reference to the respective species of local observation of those by whom they were made; and hence arises the difficulty for me, not having been in Jamaica since the abolition of slavery, to form a conclusion; if I had all the representations one way that it worked well, I could state that as the result; but that not being the case, I cannot state my opinion in any other way than that in which I have given it.

3326. Mr. *Gladstone.*] Upon the whole, do the best and most skilfully managed properties give the most favourable accounts of the working of the apprenticeship?—Yes; I think so, most certainly. I have a very strong opinion of the advantage in having all those who are entrusted with the charge of the property actually residing upon it. It seems, generally speaking, that if the proprietor cannot be himself in the country, the system of apprenticeship is more likely to exist advantageously, when his property is within the immediate constant personal superintendence of his attorney, residing on or within reach of the property.

3327. *Chairman.*] Will you proceed with your observations upon the Jamaica enactments?—There seemed to me to be a misapprehension on the part of one of the witnesses respecting the law which was referred to in the volume of printed papers. It is entitled, "An Act to increase the Power of Justices in determining Complaints between Masters and Servants and between Masters and Apprentices, Artificers and others." I have no printed copy of it. The preamble is to this effect; "Whereas it is expedient to enlarge the powers given to justices, by an Act passed in the fifty-fifth year of his Majesty King George the Third, intituled 'An Act for the better adjusting and the more easy Recovery of the Wages of Servants, and for the better Regulation of such Servants.'" Now it has been supposed that this law purports to transfer to the local magistrates power over the apprentice, and to divest the special magistrate of that power. I think it is impossible that this can be considered to be the object of the Act, when it is seen that the first clause contains this enactment, "That it shall and may be lawful, not only for any master or mistress, but also for his or her attorney, manager or agent, to make complaint upon oath against any apprentice not within the meaning of the 41st chapter of the fourth year of the reign of his present Majesty, intituled 'An Act for the Abolition of Slavery.'" This clause and the other clauses were passed for the purpose of supplying a defect which existed in the former Act. The former Act did not enable the attorney, manager or agent to make a complaint before any magistrate respecting his apprentice or his servant. The second clause enacts, "That it shall be lawful for the said justices to require, when they shall see fit, security from the master or mistress of an apprentice for his or her good behaviour to the apprentice, or to dissolve the articles of apprenticeship between master or mistress and the apprentice, if under all the circumstances of complaint the said justices shall deem it fit and proper to do so." It is quite clear that this clause did not refer to the apprentice under the Abolition Act, because the provision on the subject of apprenticeship stands under the express enactment of that law. The third clause enacts, "That all complaints, differences and disputes which shall arise

W. Burge, Esq.

5 July 1836.

between masters or mistresses and their apprentices aforesaid, touching or concerning any wages or allowances which may be due to such apprentice, shall and may be heard and determined by two justices of the peace of the parish where such apprentice or apprentices shall be employed, which said justices are hereby empowered to examine on oath any such master or mistress, attorney or agent, apprentice or apprentices, or any witness or witnesses touching any such complaint, difference or dispute, and to summon such master or mistress, attorney or agent, to appear before such justices, at a reasonable time to be named, as to the justice shall seem meet in such summons, and to make such order for payment of so much wages to such apprentice or apprentices as according to the terms of his, her or their indentures of apprenticeship shall appear to such justice or justices, under all the circumstances of the case, to be justly due, provided that the sum in question do not exceed the sum of 10*l*., the amount of such wages, clothing and allowances to be paid within such period." Then it enacts, "If any servant in husbandry or any mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person shall contract with any person or persons whomsoever to serve him, her or them for any time or times whatsoever, or in any other manner, and shall not enter into and commence his or her service according to his or her contract, or having entered into such service shall absent himself or herself from his or her service before the time of his or her contract (whether such contract shall be in writing or not in writing) shall be completed, or neglect to fulfil the same, or be guilty of any other misconduct or misdemeanor in the execution thereof or otherwise respecting the same, then and in every such case it shall and may be lawful for any justice of the peace of the parish where such servant in husbandry, mechanic, &c., shall have so contracted or been employed or be bound, and such justice is hereby authorized and empowered, upon complaint thereof made upon oath to him by the person or persons or any of them with whom such servant in husbandry, mechanic, &c. shall have so contracted, or by his, her or their attorney, manager or agent; which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, &c., and to examine into the nature of the complaint; and if it shall appear to such justice that any servant in husbandry, &c. shall not have fulfilled such contract, or hath been guilty of any other misconduct or misdemeanor aforesaid, it shall and may be lawful for such justice to commit every such person to the house of correction, there to remain and be held to hard labour for a reasonable time, not exceeding three months, and to abate a proportionable part of his or her wages for and during such period as he or she shall be so confined in the house of correction, or in lieu thereof to punish the offender by abating the whole or any part of his or her wages, or to discharge such servant in husbandry, mechanic, &c. for his or her contract service or employment; and at the same time to award to such servants such proportion of wages for services performed as to them the said justices shall seem meet; which discharge shall be given under the hand and seal of such justice gratis; and if the said justices shall award any proportion of wages to be due to any of the servants aforesaid, they the said justices shall issue their warrant to levy forthwith for the amount on the goods and chattels of the master or mistress of the servant to whom they shall award the said wages to be due: provided always that the sum so awarded shall not exceed 10*l*." Now upon looking to this Act, it will be seen that it is intended to extend the provisions of the Act passed in the 55th year of his Majesty King George the Third, intituled "An Act for the better adjusting and the more easy Recovery of the Wages of Servants, and for the better Regulation of such Servants." And this Act extended also the powers of the Act of 9 Geo. 2. Under 9 Geo. 2, the amount of wages which could be recovered by the summary process was limited to a certain sum; the amount was extended to 10*l*. by 55 Geo. 3, and it appears further, that under this Act an attorney or agent could not make a complaint before the magistrate on behalf of his constituent. To remedy this defect this Act is passed. The first clause expressly excepts apprentices, the second third and fourth clauses evidently refer to contracts and to relations wholly distinct from those of apprentices under the Abolition Act, and a careful perusal of the Act will instantly show that my further answer to the objection that has been urged would be independent of the language of the Act: that you could not, consistently with the Abolition Act, give effect to those clauses so far as they transfer authority relative to apprentices from the special magistrate to the local magistrate. Here again the Abolition Act would furnish the principle upon which you must construe the colonial Act, and no court could say that this colonial Act could be

read

read as giving an authority to the local magistrate over the apprentice, because there is this Act which says that the authority belongs to the special magistrates alone.

3328. Mr. *Johnston.*] Keeping in view the laws to which you have now directed the attention of the Committee, supposing a contract of wages to be entered into between the apprentice and a stranger, that is, a person not the manager, before what court could the apprentice recover in case of any dispute?—The person who may be entitled to the service of the apprentice, either by having been the former owner of the apprentice when he was a slave, or by hiring his services from that owner, or by contracting with the apprentice himself, sustains that character towards the apprentice which brings him and the apprentice under the cognizance of the special magistrate.

3329. In the case of the apprentice contracting to work during any of his extra hours with the neighbour of the manager?—It appears to me that this would be a case as much under the authority of the special magistrate as if he engaged with the person who was his former owner; I am not aware that this is not provided for by the Act, and that it is not within the jurisdiction of the special magistrate.

3330. Does it occur to you that there is any particular proviso which would meet the case which has been put to you?—I thought one of the objections made to this law, by the witness pre-examined, was, that it gave the special magistrate authority in cases where the relation between master and apprentice did not refer to, and that it was one of his objections that it did give such authority. It appears to me perfectly clear that the clause which invests the special magistrate with sole and exclusive cognizance, in all matters in relation to the apprentice and the person entitled to his services, extends to all those cases where an apprentice hires himself out either to his former owner or to his neighbour.

3331. Is there any specific enactment in the Jamaica Abolition Act upon that point?—The Jamaica Abolition Act is a transcript in that respect, I believe, of the imperial Act.

3332. Is there any single enactment in the Jamaica Abolition Act which restricts the special magistrate's jurisdiction in cases of wages due to apprentices?—There is nothing that I am aware of to prevent the apprentice, if a debt was due to him, from suing for that debt in a court of law, as any other person would.

3333. Before the special magistrate, limiting the question to the case of any debt due to the negro by the proprietor or manager?—I will read the clause: "Be it enacted, that all complaints made by any apprenticed labourer against the person entitled to his or her services, touching any fraud practised or refusal to furnish any such apprenticed labourer with sufficiency of provision, ground or other means of maintenance and support, in cases where such apprentice hath no provision ground, or of illegally and improperly withholding from such apprentice any portion of the time allowed him or her to cultivate such ground, or of imposing task-work on any apprenticed labourer, contrary to the provisions of this Act, or of breach of any contract on the part of any person engaging the voluntary services of any apprenticed labourer, or of any cruelty, injustice or other wrong or injury done to or inflicted upon any apprenticed labourer by the person entitled to his or her services, shall be heard, adjudged and determined before any one or more special justice or justices; and he or they is or are empowered to punish any offender, in any of these respects last mentioned, with a fine not exceeding 5 *l.* and for default of goods and chattels whereon to levy such fine, the offender shall be committed to gaol until he or she shall pay or satisfy the same, but such imprisonment shall not exceed five days; provided that nothing herein contained shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed in the supreme or assize courts or the courts of quarter sessions or common pleas for any wrong or injury done to or committed against his or her property or person by any person whomsoever." And I refer also to the 20th clause: "That the several justices of the peace having special commissions as aforesaid (and no other magistrate or justice of the peace in this island) shall have, exercise and enjoy a sole and exclusive jurisdiction over, and shall solely and exclusively take cognizance of all offences committed or alleged to have been committed by any such apprenticed labourer, or by his or her employer, in such their relation to each other, or of the breach, violation or neglect of any

W. Burge, Esq.

5 July 1836.

of the obligations owed by them to each other; or of any question, matter or thing incident to or arising out of the relations subsisting between such apprenticed labourers and the persons respectively entitled to their services, provided that nothing herein contained shall extend or be construed to extend to abrogate or take away the powers by law vested in the supreme court of record, or to the superior courts of civil and criminal justice in this island."

3334. Is it your opinion, that under this clause of the Act the special magistrate is entitled to adjudge in the case of debt or wages or damages?—Under this clause, as far as there has been a wrong committed by a breach of the contract, the special magistrate has power under this clause of fining the person, but there is nothing in this clause that precludes the apprentice from recovering the amount of the wages which would be due to him.

3335. To whom does this fine go when adjudged?—All the fines imposed by the Act are applied to the use of the island.

3336. Then it does not appear that the apprentice has any summary process under the Jamaica Abolition Act for the recovery of wages or any debt that may be due by his proprietor or manager?—I see no clause in the Jamaica Abolition Act or in the English Abolition Act that enacts that any debt or damages which may be claimed by the apprentice may be recovered in any other manner than debt or damages claimed by any other of His Majesty's subjects.

3337. That is before the ordinary courts of law?—Yes.

3338. Mr. *Gladstone*.] Do you think that any special magistrate is able to enforce claims for wages which have been entered into under his sanction and guarantee, as is commonly the case with contracts for wages?—The 19th and 20th clauses give to the special magistrate an authority for the purpose of enforcing all those contracts. The 19th clause provides, "And for securing the effectual superintendence of the said apprenticed labourers and the execution of this Act, be it further enacted, that the Governor may, and he is hereby empowered to issue under the public seal of this island special commissions to one or more person or persons, constituting him or them a justice or justices of the peace for the whole of the island, or for any parish, precinct, quarter or other district within the same, for the special purpose of giving effect to this present Act and to any laws which may hereafter be made for giving more complete effect to the same; and every person to or in favour of whom any such commission may be issued shall, by force and virtue thereof and without any other qualification, be entitled and competent to act as a justice of the peace." The 20th clause says, "That the several justices of the peace, having special commissions as aforesaid (and no other magistrate or justice of the peace in this island) shall have, exercise and enjoy a sole and exclusive jurisdiction over, and shall solely and exclusively take cognizance of all offences committed or alleged to have been committed by any such apprenticed labourer or his or their employer, in such their relation to each other or of the breach, violation or neglect of any of the obligations owed by them to each other." Now the wages due by the employer to the apprentice under a contract constitute an obligation arising out of the relation of the master and apprentice, no less than the obligation on the part of the apprentice under the same contract to give his services for wages.

3339. You think that these words would authorize the special magistrate to give a summary remedy to the apprentice in case of his wages being withheld, or any wrong being done by his master?—Yes.

3340. Mr. *Johnston*.] Will you point out in what manner the apprentice could bring his claim, and in what manner a special magistrate could adjudicate for the amount of that claim?—If I see a clause vesting a magistrate with an exclusive jurisdiction, and the terms in which that jurisdiction is expressed are so framed as to enable him to take cognizance of an obligation contracted by the apprentice to give his services, and by the master or any other person hiring the services to pay for those services, I cannot doubt that that special magistrate has vested in him all that is requisite to enable him to exercise that jurisdiction.

3341. But then it is not an obligation, but the violation or neglect of any of the obligations?—It is a violation of an obligation, if a man having entered into an agreement to pay a sum of money for wages omits to do so, the non-payment of a debt contracted is a violation of the obligation of the party who engaged to pay it.

3342. Is not the scope and tenor of the two clauses to which you have referred, the 19th and 20th and the 49th, that the special magistrate shall proceed by penalty in

in case of breach of contract or violation of obligation, and that he cannot proceed for wages or debt?—The 49th clause does not narrow the jurisdiction which had been given to the special magistrate by the 19th and 20th clauses.

3343. Under the 19th and 20th clauses could the magistrate issue a judgment, or cause a distress to be levied?—The magistrate would have a right to adjudicate upon the performance or non-performance of the contract which the apprentice had entered into, and to give his judgment upon that.

3344. But his finding that the contract should be observed or not is equivalent to judgment being issued, or a distress caused to be levied upon the party?—That clause does not in express terms give him a power to issue a distress, but the question is whether he would not have it as incident to the jurisdiction which is expressly given to him.

3345. As a lawyer, is it your opinion that he would have that power?—Yes; he would have that power, he is invested with the commission; there is delegated to him an express authority to enforce the obligation between the master and apprentice, and he has the power to the extent to which a magistrate may take cognizance of particular debts, but if the debt exceeded a certain amount the adjudication of the magistrate would furnish a ground upon which the apprentice would bring his action in the supreme court.

3346. Then to what amount do you hold that the special magistrate's jurisdiction extends in the case of wages?—In the case of wages, I should conceive that the magistrate could not go beyond 5*l.*, because I find that is the sum to which the magistrate's jurisdiction is limited.

3347. Then it is your opinion that the special magistrate has sufficient jurisdiction to apply a full and ample remedy in the case of a claim for wages to the extent of 10*l.* on the part of the apprentice?—Yes, I conceive that he might; I consider that he is invested with a sufficient power by his commission for that purpose.

3348. So that the apprentice would be sure, in the ordinary course of things, to recover his wages, without being obliged to go to any other court?—I think so, clearly.

3349. Are you aware that there is a tribunal in Jamaica for this species of debts, and if so, can a special magistrate conduct an adjudication without an express enactment?—I have already expressed my opinion, that that Act respecting servants' wages did not extend to the case of apprentices, that so seemed to me, looking to the object of the Act, which was to extend the provisions of the local Act previously in existence, by enabling the attorney to enforce his claim for wages which he could not do under the former Act.

3350. Then, in fact, you hold that it is only under the Abolition Act that the apprentice has a remedy?—Yes, only under that, except the remedy he has in common with all His Majesty's subjects, when the sum is beyond a certain amount, to bring his action.

3351. Were not the local legislatures required by the 16th section of the Emancipation Act to pass regulations to enforce the punctual performance of voluntary contracts with apprentices?—The Act speaks for itself; the enactment is a very comprehensive one.

3352. Have the local legislatures followed out the Act?—I think they have completely followed out that Act; and the best proof of it I have is the order of His Majesty's Council, the only constitutional tribunal for giving or withholding assent to acts of an independent legislature in the colony. It would be extremely difficult, I might say it would be impossible, to find any specimen of legislation in any part of the world which could stand the test of criticism, in which the object was, not to find in what respect it was perfect, but in what respect it was imperfect, and in which the parties entered on the criticism with a strong prejudice against the body from whom legislation proceeded and with a strong impression that there was a design to make the legislation imperfect; I believe there is no act of legislation which would stand the test of criticism conducted on those principles and directed by those motives.

3353. Then it is your opinion, that the clause of the imperial Act, wherein it is stated that regulations should be made respecting any voluntary contracts into which any apprenticed labourer may enter with their respective employers or with any other person for hired service for any future period, and for limiting the greatest period of time to which such voluntary contract may extend, and for enforcing the punctual and effectual performance of such voluntary contracts on the

W. Burge, Esq.
5 July 1836.

part both of such apprenticed labourers and of the person or persons engaging for their employment and hire, have been legislated for by the local legislature?—I consider so.

Richard Mathews, Esq., called in; and further Examined.

R. Mathews, Esq.

3354. *Chairman.*] HAVE you examined the Acts with reference to the Emancipation Act that have been passed in the West India colonies, with the exception of Jamaica?—I have examined them, in addition to those of Jamaica.

3355. You have heard the evidence which Mr. Jeremie has given upon that subject?—Yes, I have,

3356. Are you prepared to agree with him in the general spirit of those objections which he has made to the Acts?—I am prepared to express my concurrence in the views that he himself has taken of these Acts before the Committee.

3357. Mr. *Gladstone.*] Are there any points in which you do not concur with him?—It is possible that a minute examination of the evidence given before this Committee by him might present to my mind some shades of difference on some few minor points; but on all points which I consider of any importance I fully concur with him.

3358. *Chairman.*] Have you yourself carefully examined the Acts in question, so as to be able to give an opinion upon them?—I have.

Joseph Beldam, Esq., called in; and further Examined.

J. Beldam, Esq.

3359. *Chairman.*] HAVE you examined the Acts of the other West India colonies in the same manner as you have examined those which have been passed by the Legislature of Jamaica?—I have examined the whole of the West India Acts and ordonnances with great attention; I had previously to this examination prepared an analysis of all the West India Acts and ordonnances; I have since had an opportunity of listening to the *vivâ voce* examination of my friend Mr. Jeremie, and I do not find that any one of those objections which have been taken by him materially differs from the objections which I had already put down upon paper. There are however some other objections of a more technical kind, which I have thought important, and especially so as making up the aggregate of what appeared to me to be the character of these colonial laws. I have thought indeed that those minor objections tended more fully to show the spirit and disposition with which those laws have been concocted, and that their effect at any rate was to drift those laws still further from the plain intention and spirit of the imperial Act. I have introduced those technical objections, however, more particularly because it appeared to me that if, as the result of this Committee, there should be any step recommended of a legislative kind, or of any other kind, to remedy the defects of the colonial laws, that then those objections upon paper would furnish means the most immediate, if not the most satisfactory, of remedying many of those defects by special instructions, which might be sent out to the colonies. With reference to the importance of special instructions, I have already made a suggestion elsewhere, and with a view to those instructions, I have introduced some of these objections, although they are not of sufficient individual importance to present to this Committee. The whole analysis is very concise, and may be employed as an index to the more extended examination of my friend Mr. Jeremie. I now again express my general concurrence in his observations upon the various heads of evidence on which he has been examined, and beg leave to put in the remainder of my analysis, a fair copy of which will be ready in a few days.

[*Permission was given to the Witness to put in the remainder of the Analysis when prepared.*]

Veneris, 8° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.
Mr. Buxton.
Mr. Charles Lushington.
Mr. William Gladstone.
Sir George Grey.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq. made the following statement:

W. Burge, Esq.
8 July 1836.

I STATED on a former day that the prosecution of the supervisor of the Trelawney workhouse, which was represented in the reply of the Assembly to Lord Sligo's charge respecting the flogging of females to be then pending, had been terminated by the conviction of the supervisor at the late March Cornwall assizes. I was asked whether I had any document on that subject; I said I had only a newspaper, and I undertook to produce it. This is the "St. Jago Gazette" of the 25th of March, which contains the proceedings at the Cornwall assizes; I read its account of this trial:—"This was an indictment against the traverser, late supervisor of the Trelawney workhouse for having flogged a female while on the treadmill of that establishment." "The Chief-Justice charged the jury, who returned a verdict of guilty. After the verdict was returned, the Chief-Justice observed that it was very necessary and proper that such an indictment should be brought, for the purpose of trying the legality of such punishment, but he did not conceive that the traverser would ever be called upon to receive sentence." With respect to the authority of the special magistrate to entertain a complaint on the part of an apprentice for wages due to him, and to enforce payment of them to the apprentice, I have in my hand the Act of the Legislature of Jamaica, passed in 1834, which extended the jurisdiction of the justice of the peace to 5*l.* The jurisdiction which had been conferred by an old Act of the island of Jamaica (33 Car. 2, c. 6) upon the magistrates, enabled them to take cognizance of sums not exceeding 40*s.* It is unquestionably true that all those Acts applied generally to justices of the peace, but I entertain no doubt that the special magistrates might, with respect to the wages of apprentices to the extent of 5*l.*, exercise all the powers conferred on the general magistrates as to other subjects of difference. I have never seen the form in which the special commission is granted, but with the skill and experience which the Colonial Office possesses in the person of their present assistant secretary and late legal adviser, I cannot doubt that it has been framed in such terms as to confer those powers. Care would be taken to refer to the powers conferred by the laws of Jamaica on general magistrates, and to grant to the special magistrates the same powers, *quoad* the particular subjects which are under their exclusive cognizance. For instance, if an Act of the legislature empowers justices of the peace to award a distress for the particular sums of which they may take cognizance, as in those two Acts, 33 Car. 2, c. 6, and this Act passed in 1834, the special commission to the special magistrate would refer to those Acts and the powers derived thereunder by the general magistrates, and would then invest the special magistrates with those powers in relation to all the matters of which the special magistrates were thereby authorized to take exclusive cognizance under the Abolition Acts. The pertinacity with which I was interrogated the other day by an honourable member upon this subject, induced me to look more into the subject as a question of law, to ascertain what the practice had been. The only Jamaica gentleman I have since seen was Mr. Miller; he was of the council at the time of the passing that Act; on my putting the question to him, he concurred with me, and said it was the practice, if the apprentice made a complaint against any person for witholding his wages, the special magistrate would enforce payment to the apprentice, and this was wholly independent of the fine which he imposed. Mr. Miller has quitted Jamaica entirely,

W. Burge, Esq.

8 July 1836.

entirely, has no property in the island, and never, I believe, had any slave property. He is a gentleman of large fortune, who was a great many years resident in Jamaica, a very extensive attorney; he lives now in Bryanstone-square, whom I should be very anxious to see brought before this Committee as a witness to give evidence on the practical working of this measure.

3360. Mr. *Buxton.*] Was this gentleman the custos of Trelawney?—Yes.

3361. Did he come over here for the purpose of complaining of the conduct of Lord Sligo?—No, he came home from Jamaica, having no intention to go back.

3362. Was he the gentleman who submitted the case to Mr. Battie?—He was the custos of the parish, and I have no doubt that case was submitted with his knowledge and concurrence.

3363. *Chairman.*] Will you have the goodness to proceed?—I conceive that a jurisdiction being given by the local Act to general magistrates in all matters of difference not exceeding 5*l.*, with power to enforce that jurisdiction, and a jurisdiction is given to the special magistrate as to some of those matters by the Abolition Acts, it would be perfectly competent, and of course that he should be invested by the terms of his special commission with the like powers as to those matters of difference of which he has thus the special or exclusive cognizance.

3364. Mr. *Buxton.*] Is Mr. Miller the gentleman Lord Sligo refers to in page 44: "I have the honour to enclose you the memorial sent me by the custos of Trelawney?"—Yes.

3365. It is the same Mr. Miller who presented that document to Lord Sligo?—Yes. It is not the practice in Jamaica, nor is it proper, that the freeholders or inhabitants of the parish should meet, unless convened by the custos of the parish, who represents the lord lieutenant of the county. Mr. Miller having received a requisition from several freeholders, he convened, and, as custos, presided at the meeting, and, as the public organ presiding at it, was the person officially to transmit its resolutions or memorial to the Governor.

3366. He is the same person who presented the memorial that Lord Sligo sent over here, with the contradictions of a great number of special magistrates to it?—He forwarded to Lord Sligo the memorial adopted at the meeting.

3367. Mr. *Gladstone.*] Is the Committee now to understand it as your opinion, that the apprentice has no remedy by the special magistrate, which may exceed the amount of 5*l.* currency?—That is my opinion; that is the nature of my evidence.

3368. Are you aware at all what the practice in Jamaica is, as to the times of paying wages to the apprentices; at what intervals they are usually paid?—As far as I have heard, and as far as comes within what I may call my own experience, I believe they are paid every week; in the instances I know, they are.

3369. Have you a good deal of information on the point?—I have; I believe that to be the practice, but of course my information of late must be entirely that which is communicated to me by others.

3370. From what you know of the character of the apprentices, do you believe, that in order to keep up a feeling of confidence and satisfaction in their minds, in the system of working for wages, it is necessary to pay them at short intervals?—I conceive so; it would be very unwise to let the apprentice feel any apprehension as to the promptitude and certainty with which he would receive his wages.

3371. Do you not think his feeling that confidence would necessarily depend on his being paid at short intervals?—Yes.

3372. Do you apprehend, as a matter of frequent occurrence, a manager would let their wages be in arrear to the amount of 5*l.* currency?—No, I think not. If his wages in arrear exceeded in amount 5*l.*, the apprentice would have a right to go to the Court of Common Pleas, and if there be any distrust of the local magistrates, the Governor has nothing to do but to send a general commission to the special magistrates, and they may sit at the Court of Common Pleas.

3373. Mr. *Buxton.*] How long was the Act, to which you have alluded, to endure?—The Act of 1834 was, by its terms, to be in force until the 31st December 1831, on the meeting of the sessions; in the last year a committee was appointed to renew it, and it was one of those Acts before the legislature at the time of the prorogation by Lord Sligo.

3374. It is not an Act at this moment in force?—My impression is that it is at this moment in force.

3375. You

3375. You have no proof of that?—I have not the votes with me to refer to. If it is not passed, I believe it is one of the Acts which was in progress when the prorogation took place. When the Assembly again met, the house took up the Acts according to the state in which they were at the time of the prorogation.

3376. It may or it may not be revived?—My impression is that it is revived.

3377. Have you any doubt, that as long as the Act endured, the apprentices' wages were recoverable by that Act only?—My impression is, that the apprentices' wages might have been recoverable, not under this Act exclusively, but under that of the Abolition Act; if the special commission gives to the special magistrates, as it may, all those powers to execute the duties committed to him by the Abolition Act, which other magistrates have to execute, the duties delegated to them by any of the laws of the island.

3378. Do you not know that all the special magistrates have all those more extensive powers that the Abolition Act gives?—I have never seen the special commission; I know that many of the special magistrates have general commissions under the authority given to the Governor by the Abolition Act; and there being power to give to the special magistrates all the authorities which belong to the local magistrates, there is of course power to give some of those authorities, that is, such of those authorities as should enable them to execute the decisions which they are authorized under the Abolition Act to pronounce.

3379. Taking the case of a special magistrate, not a local magistrate, do you think the wages of an apprentice were recoverable under this Act and no other Act?—I consider that they were; and there was a part of my evidence on Tuesday which (I suppose in consequence of the rather irregular conversation that passed) was not taken down. I stated that when the proposition was first suggested by the Government of having special magistrates, the West India body felt considerable reluctance to accede to this measure, and had gone so far as to prepare a memorial, representing that it conveyed a reflection on the local magistracy. I felt the extreme importance of removing all excuse for future agitation and interference in the colony, and with that view, of withdrawing from the local magistracy a jurisdiction in respect of the apprentices, which there were persons in this country would represent was not duly or impartially exercised by them. Their distrust, not my own, made me think it would be better to vest it in magistrates specially appointed and sent from hence. I prevailed on the West India body not to interpose any objection to the appointment of special magistrates, but rather to adopt it as a much preferable measure to leaving the execution of the law in the hands of the local magistrates, and subjecting the colony to have the conduct of its magistrates misrepresented. Certainly my feeling has been, that so far from circumscribing the powers of the special magistrate, I would give him, in its fullest extent, the exclusive cognizance, to use the language of the Act, of every matter and thing between the apprentice and any person entitled to his services.

3380. *Chairman.*] Did you represent your views to the Government?—Most assuredly, while the Act was in progress; and here I may refer to a representation made by one of the witnesses, of his belief that the letter to which he alluded was written by Mr. Barrett. One of the circumstances inducing me to believe that it was not written by Mr. Barrett is, that at the time of the passing of the Abolition Act he was in England, having been sent, together with Mr. Hodgson, by the Assembly on the affairs of the colony. On this question, of course, I consulted with them; and they both concurred with me, and it was with their sanction I went down to St. James's-street, where the West India body met, to entreat them not to interfere; that the best thing would be to leave the whole thing with regard to the apprentices in the hands of the special magistrates. Mr. Lefevre, who was at that time the under secretary, knows my sentiments on this subject. I will now proceed to the comment which has been made on clauses 33, 34 and 35 of the Jamaica Abolition Act. It is to be found in page 25 of the papers laid before the Committee by Mr. Jeremie. The comment is in these words: "By sections 33, 34 and 35, a slave carrying a knife in his pocket (for that may be deemed an offensive weapon), unless with the knowledge and consent of his manager, might be condemned to 39 lashes and imprisonment, with hard labour, for one month; besides which, the offensive weapon is to be forfeited to the employer; this appears to be a most objectionable enactment." In the other paper, laid before the Committee by another witness, it is said (page 12), "The clause is open to the common objection of giving to the master an interest

W. Burge, Esq.

8 July 1836.

in the punishment of the apprentice, making the same individual the granter of the license, the executor of justice, and the beneficial receiver of the penalty." Now it is surprising that any man having the slightest knowledge of criminal law, who looked at those sections, 33, 34 and 35, could have hesitated in perceiving that by no possible construction could a knife be called an offensive weapon. There is one universal rule with respect to the use of terms in construing statutes *noscitur ex sociis*. The term offensive weapon is in company with gunpowder, guns, swords and pistols, or fire-arms of any description whatsoever. I think it is a little hard that the Jamaica Legislature should be complained of for using the term "offensive weapon," when it is a term of continued recurrence in English Acts of Parliament. Take, for instance, the Act for protecting the revenue, the Smuggling Act, the term "offensive weapon" is used in various clauses of this Act. Now if there is no fear that in an English Act of Parliament a knife in the pocket could fall under this description, there is certainly no ground for entertaining this fear because the term has been introduced into an Act of the colony, where a knife, so far from being deemed an "offensive weapon," is an article included in the supplies annually delivered to every apprentice on the estate. But it is supposed its forfeiture could take place to the owner, now I will just read the clause of the Act; "And be it enacted, that it shall be lawful for any such master, manager, or lawful employer to seize and retain to his own use any gunpowder, guns, swords, pistols, or fire-arms of any description whatsoever, or any other offensive weapon unlawfully in the possession of any apprenticed negro." I should like to know how by possibility any one looking at this clause, and meaning to construe it with common fairness to the colony, could say that either of those inferences was deducible from this enactment. Can a knife in the apprentice's pocket, which had been given him by his employer, be said to be unlawfully in his possession? and yet these are inferences alleged in these papers to be legitimately deducible, and objections to the enactment in the Jamaica Act. There is another observation made in page 24 of the evidence, in answer to the 222d question. The Abolition Act, in the case of the clandestine employment or harbouring of any apprentice labourer who is absent from the service of his employer without leave, authorizes the special magistrates, in the case of an apprentice, and the local magistrates in the case of other persons, if they shall see just cause, to examine the party complained against, upon his or her oath, touching the matter of such complaint. This authority is represented by the witness in this answer in the following terms; "Here is a confession extracted from the party complained against on his oath." I read that clause as affording this advantage to the party accused, that the special justice had it in his power to effect the extenuation of the accused by his own evidence. I should have thought that it was a subject of approbation instead of a reproach to the law. Then it is said, "I think from the manner in which this Act is framed, it is in the power of the master to inflict upon the apprentice in one case 45 hours of continuous labour in succession, that in the case of the negro being under punishment he may be worked for 60 hours." I will only say I have very different notions of the meaning of the word cruelty or wrong, if such an act would not be both cruel and wrong, and therefore within the cognizance and power of the special magistrate to restrain and punish, and within the cognizance, I suspect, to punishment by the other courts. I submit it is quite impossible that such an act could be committed with impunity. That it would ever be committed is a conjecture of what it is possible might take place; there is not a particle of evidence adduced for the purpose of showing that it ever had taken place.

3381. Mr. *Gladstone.*] What do you think as to the probability of such case occurring?—I have not a conception that such a case is at all likely to occur.

3382. What do you think would be its bearing on the interests of the master?—I think that it would be injurious to the interest of the master.

3383. Mr. *Buxton.*] Are you not aware that formerly many acts were done by the master which were directly contrary to their own interests, such, for instance, as working the negroes during the time of slavery to such a degree as to diminish the number of the population?—What may have occurred in individual cases I have not the means of speaking with accuracy; I am one of those who do not attribute the mortality which took place among the negro population to hard labour.

3384. Are you not aware that Dr. Madden states in his book instances of negroes

negroes being worked thirty-five hours in succession?—I do not recollect that instance in his book, I do not speak to the fact.

3385. Are you not aware that it was qualified by Mr. Jeremie in his evidence that in a case of working to the extent of sixty hours, it would be a case of that kind of cruelty which would come under the operation of the law?—I looked at the expressions in Mr. Jeremie's evidence, and I felt great difficulty in saying that he had actually conceded that it would fall within the term cruelty; there appeared to me a reluctance to admit that it was a case of cruelty; if it be a case of cruelty, and therefore within the cognizance of the special magistrate, and repressed by him, I do not see how it can be brought forward as an objection to the Act.

3386. May there not be many cases amounting to hardship, and known to be hardship, which would not come under the denomination of cruelty?—I feel it quite impossible to answer so indefinite and general a question; my opinion with respect to that which constitutes cruelty is this, that even the undue or the excessive exercise of a power which the party has to the services of the negro is as much an act of cruelty and of illegality as the exercise of a power which was not at all possessed by him.

3387. Are you to be understood that the law gives this power of working for so many hours, but that there is a restraint upon it, namely, that the negro must not be so long worked as to amount to a case of cruelty?—Certainly not. I do not conceive that the law gives any such power as the working a negro for any such time.

3388. You deny that the law gives that power, but still you say that if it gives that power, that is restrained if it is an act of cruelty?—No, that was not my proposition, in answer to the question put to me; I never said that there might be cases of extreme hardship which would not amount in law to cruelty, my answer was, that with respect to that, I could not give a definite answer, that there were different notions as to what was extreme hardship. So comprehensive is my notion of what would constitute cruelty, I would conceive that to be cruelty which consisted in the excessive or improper exercise of a power given.

3389. Taking the distinction between legal right and the cruelty that might result from the exercise of legal right?—I put it as an abstract proposition.

3390. Looking only at the legal right, how do you conceive the master has a power of working his negro under the Act?—I have not said, nor do I consider that the Act conferred a legal right to employ the negro continuously for forty-two hours or forty-five. I put it, as an illustration of my notion of cruelty, that although I should find a power enjoyed by a person, yet the abuse of that power would constitute a case of cruelty punishable by law, just as much as if there was not a shadow of power conferred.

3391. How many hours, according to the legal right, may a master work his apprentice?—I must refer, then, to the language of the Act.

3392. Will you have the goodness to give it?—"And be it further enacted, that no person who by virtue of this Act or of any such Act of Assembly, ordonnance or order in council as aforesaid, shall become a prædial apprenticed labourer, whether attached or not attached to the soil, shall continue in such apprenticeship beyond the first day of August 1840, and that during such his or her apprenticeship no such prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable by virtue of such apprenticeship to perform any labour in the service of his or her employer or employers for more than forty-five hours in the whole in any one week;" that is the extent of the law.

3393. That does not say those forty-five hours may not be held continuously?—Then, if they were held continuously, I should say it was cruelty, and that cruelty is an offence clearly cognizable by law. There are some matters connected with the evidence of Dr. Madden upon which I should be desirous of giving evidence, because I am quite satisfied they have been brought before the Committee by that witness under great misapprehension. I will take the allusion which is made to Captain Oldrey's trial, in answer to question 779. "I believe that a new trial has been moved for Captain Oldrey, but that in consequence of the manner in which the charge was opened, limiting the amount of the fine to something under 300*l.* the cause could not be brought into the Court of Error." Here is a great mistake under which Dr. Madden has fallen, from his unprovoked distrust of the Jamaica bench and a Jamaica jury. The verdict of the jury was given for 280 odd pounds currency;

W. Burge, Esq.

8 July 1836.

now the amount of the verdict, in order to enable a party to take the cause into the Court of Error in the colonies, must, under the King's 47th instruction, be 300*l.* sterling, and it must be 500*l.* sterling to enable him to bring a cause from the Court of Error in the colony to the King in Council. The supposition that the verdict was for 280*l.* currency, so as to be put within the sum which would admit of its being carried into the Court of Error is a complete mistake. The jury, if this had been their design, might have given their verdict for 400*l.* currency, the sum which enables a party to carry it into a court of error being 300*l.* sterling, which in currency is 420*l.*

3394. Sir *George Grey.*] Is sterling mentioned in the 47th instruction?—Yes.

3395. Have you known any case taken into the Court of Error where the verdict did not exceed 300*l.* currency?—No, no case can be carried into the Court of Error, except in two particular cases, namely, where His Majesty's revenue was concerned or the title to a freehold is involved. Those are the two cases excepted by the King's 47th instruction. Another statement of Dr. Madden is equally erroneous. In answer to question 785, "In the constitution of the courts, do you mean the judges?" and he says, "I think the judges of the court of assize were highly prejudiced against the special magistrates generally." Sir George Grey asked, "Do you apply that to the Chief-Justice as well the other judges?" The answer given in is, "He does not preside in those courts I allude to. I mean the local judges who assist in them." Now the Chief-Justice does preside; he is bound to preside both in the grand court and in the assize court; and unless he is prevented by illness, it is as much his duty to attend the assize court, and in point of practice he does so, for I believe he has not omitted on a single occasion since he has been chief judge to preside at assize courts.

3396. Did he, in point of fact, preside when that case was tried?—That case was tried in the supreme court, where, even according to Dr. Madden, the Chief-Justice presides; but he happened to be ill upon that occasion; but he presided, I believe, in the other case alluded to, Mr. Bourne's case.

3397. Are you aware whether the verdict was according to his summing up in that case of Mr. Bourne?—I have looked very anxiously for the report of that trial, but have not found my newspaper in which I believe it is reported.

3398. You are not aware that the view taken by the jury of that case accorded with his view?—I am not; in answer to question 792, "You say the Chief-Justice is dependent for a part of his salary on the colonial legislature?" Dr. Madden answers, "When he was sent out, the House of Assembly kept back his salary a year and a half, in consequence of his appointment not being satisfactory to the proprietors." Now, I take leave to say this is another statement which is calculated to convey a very unfounded imputation on the Assembly, and would lead any one into error as to the circumstances which prevented the Chief-Justice from obtaining his salary immediately on his appointment; I will state those circumtances: I think in the year 1800 or 1801, an Act was passed, giving a salary to a chief justice, provided a barrister of a certain number of years standing at the English bar, and a certain number of years practice at the Jamaica bar. It is not unreasonable, that if a man is to administer a code of laws of a country, he should at least have had some acquaintance with those laws, and that, as the Legislature of Jamaica paid a salary to the Chief-Justice, it should require that he should have some knowledge of the local law he was to administer; this law was not only the common law of England, but a considerable body of local statutes and of colonial usages. In a subsequent year, another Act was passed that increased the salary of the Chief-Justice, adding a further restriction requiring him to have been of a certain number of years standing at the bar. Upon the death of the late Chief-Justice, instead of appointing a person who had been at the Jamaica bar to be the Chief-Justice, the qualification enjoined by the Jamaica Act which gave the salary, the present Chief-Justice was sent out, who had not been at the Jamaica bar, the consequence was this, that there existed no law under which the Chief-Justice could claim a salary. The Assembly, however, passed a law expressly giving him this salary, and not keeping him out of it, as it is said, because his appointment was not satisfactory, for they gave him the salary from the first moment of his putting his foot in the island of Jamaica; they made the law retrospective. I refer to the next question, which is 793, in which the name of Mr. Barrett occurs, as being supposed to have been the writer of a letter which is set out, dated the 30th of August 1834; I have read that letter, and I can certainly state, knowing pretty well the style of Mr. Barrett, that it does not appear to me to be his style

of writing. I do not believe it to be his letter, from the sentiments it contains, because I cannot think that having concurred with me in the view which I took of the expediency of having all that related to the apprentices left to the jurisdiction of the special magistrates and not the local magistrates, he would have used that language; and although I will not give the name of the person whom I have since heard, on inquiry, to be the writer, yet certainly the report represents another individual as having been supposed to be the writer of that letter and not Mr. Barrett. There appears to me also to be a misapprehension in that part of Dr Madden's statement, which relates to persons whom he considers to have been illegally held in slavery. The question 648 is, "Have you found that any apprentices who so applied," that is, who applied to be discharged from apprenticeship, "have been illegally detained in slavery?" He answers, "A great many." "What became of the negroes upon your ascertaining the fact that they were illegally detained in slavery?—Generally speaking, when I could not succeed in procuring their freedom myself, I referred them to the Attorney-General; he used to institute some proceedings, but in a great many instances those persons did not obtain their freedom.——On what grounds do you conceive they were entitled to their freedom?—There were a great number of Indians who had been imported from the Mosquito shore; the descendants of those persons were declared free by law; there were a great number in Kingston that I was well assured were illegally held in slavery." In answer to question 656, "In those cases in which an individual was considered by the magistrate not to be an apprentice, was he from that time released from active labour to his master?" He says, "Many, since I left the island, whose cases had been before me but not decided, I understand have become apprentices, having been claimed over again.——In cases brought before you and adjudicated upon by you, was the immediate practical effect to release the party from actual servitude?—They could not punish them for not labouring except through me, and I would not punish them while I had a doubt." May I beg, in answer to this statement, to observe, in the first place, that the necessary effect of instituting an action of *homine replegiendo*, is to give the plaintiff his freedom from the time that action is filed until a verdict passes in favour of the defendant; it is therefore impossible that if such an action was instituted, the person instituting it could have been detained in slavery during the pending of the action; I know that from my own experience, for I believe I have been counsel during the twenty years I was in Jamaica for more plaintiffs bringing actions of *homine replegiendo* than any counsel who was ever there. I made it a rule when I became Attorney-General, as I had the appointment of the Solicitor of the Crown, not only to give them my own services in those actions but to procure them the gratuitous services of the Solicitor of the Crown, and the present Attorney-General can do just as I did. In point of law it was the inevitable and necessary result of the institution of the action of *homine replegiendo*, that the party bringing it was in a state of freedom until the verdict was given against him. When that verdict was given against him, such is the law upon this subject, settled by decision, that although if a verdict in favour of the plaintiff is conclusive against the person claiming him as his slave, yet a verdict against the plaintiff was not conclusive against him. I have known six, eight and ten actions of *homine replegiendo* brought by the same person after having brought preceding actions and failed in them.

3399. *Chairman.*] To whom was the appeal, in case the action was decided in the first instance against the plaintiff?—The plaintiff might bring another action immediately.

3400. In what court?—In the same court, or in any court; I have stated the law on this subject in my evidence before the Commissioners of Legal Inquiry, and I there gave the name of the case. To an action brought by a plaintiff to recover his freedom, the defendant pleaded as plea of former recovery a former verdict in his favour.

3401. Do you mean that the individual might bring a new action without any alteration of circumstances?—Yes, and that he received an adjudication on demurrer in the grand court.

3402. You state that while those actions were pending the plaintiff was practically free?—Yes, and in consequence of the abuse which took place of that right, it was proposed to introduce an Act for the purpose of obliging the party who brought the action of *homine replegiendo* to find security; but I objected to such an Act being passed; I rather think it reached the council, and they threw it out upon this ground, that it was infinitely better all those cases should receive

W. Burge, Esq.

8 July 1836.

the fullest investigation, and that the fair and honourable conduct of the counsel would be a sufficient security that the action should not be resorted to for vexatious purposes, or when there was not a reasonable ground for submitting the case to a jury. It was not thought advisable to impose any restraint on the assertion of the right of freedom.

3403. In point of fact, would not any respectable counsel in Jamaica have refused to bring such an action, if he was convinced it was frivolous?—I have brought the action a second time, because the party has told me she could bring forward additional evidence, and I brought the action, feeling that though there was a hardship on the defendant in being obliged to defend himself, it was infinitely better that hardship should be sustained than it should be made a reproach against the colony that its law did not admit of the amplest means for asserting and recovering the freedom of a person illegally held in slavery.

3404. That was a case in which, in your opinion, there were substantial grounds for trying the case a second time?—I took it very much upon the representation of the party, but I mean to say the state of the law of Jamaica at the time alluded to by Mr. Madden, there was nothing to prevent actions of *homine replegiendo* being brought without any restriction.

3405. Mr. *Buxton.*] Is there no responsibility for damages incurred by those who bring actions?—None. With respect to those who were alleged to be Indians, and this is put forward by Dr. Madden very much upon rumour alone, when I was in the colony, I had the means of knowing that the number was considerably reduced; and there is one circumstance which is almost conclusive, the descendant of an Indian has a description of hair which almost prevents any doubt as to the person being an Indian. But it is a misapprehension, that the party could be kept in slavery while an action of *homine replegiendo* was pending; for the court would immediately have issued an attachment against the party who should have laid his hand on the negro with a view of keeping him in slavery during the time that his action was pending.

3406. *Chairman.*] Will you go on to the next point, if you please.—I have only one or two other observations to make. Very much of the objection which has been urged against the Jamaica Abolition Act seems to originate in an unjust and unfounded distrust of the manner in which the law of Jamaica is administered. The expression of one of the witnesses is, that justice cannot be expected from a Jamaica bench and a Jamaica jury. I shall certainly not think that a tribunal which exists by law requires any vindication from me, even if the persons by whom it is thus attached were competent, from experience, to form an opinion of its character; whether it be their object to endeavour to deprive the people of Jamaica of the trial by jury or not, I do not know; but I shall content myself with expressing my belief, founded on no inconsiderable experience, that charge which has been made against the Jamaica bench and the Jamaica jury is unjust, and is not warranted by any actual experience of the conduct and character of those persons who compose both those tribunals.

3407. Sir *George Grey.*] But you think, as a general principle, that it is desirable that judges who are to administer the law should have a legal education, and be brought up in the practice of the law?—The constitution of the Jamaica court, which has been found to answer extremely well, has existed a great many years, and by associating with the Chief-Justice a gentleman of the colony of local knowledge and experience, you have the advantage of those who have been witnessing the proceedings of the court, and are conversant with the local usages and laws which must influence their decisions. I am ready to confess that barristers have a predilection in favour of barristers put upon the bench; but it is by no means clear that the qualification of all the judges, being barristers, is so indispensably necessary as is supposed.

3408. Therefore you prefer the present constitution of the supreme court of Jamaica to a constitution which would involve the necessity of having legal judges on the bench in preference to those not having legal knowledge?—I am not disposed to express a disapprobation of a legal bench, if it be so constituted as to secure a due acquaintance with the local laws and usages of the colony.

3409. Do you think that the advantages to be derived from having wholly unprofessional men on the bench with a professional Chief-Justice, are sufficient to counterbalance the disadvantage of having a bench not composed of a professional man, when illness may prevent the attendance of the Chief-Justice?—Certainly not. But considering that the law administered in the Jamaica courts consists of a great deal of local law, there ought to be on the bench some experience of that

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local law. It is not a correct designation of all the assistant judges to describe them as wholly unprofessional persons. Many of them have necessarily had the means of acquiring knowledge of that part of the law which they have to administer.

3410. You have adverted to the Report of the Commissioners of Inquiry upon the Administration of the Law in Jamaica; do you concur with them in their observations on the administration of the law in Jamaica?—I expressed my opinions in answer to some questions that they put to me upon the subject. I have not seen any reason to alter them. My opinion on this subject, as given to the Commissioners of Legal Inquiry, is to be found in my answer to the 230th question, and it is as follows: "I think it would be an improvement in the administration of the criminal and civil jurisdiction of the supreme and assize courts, if they were more assimilated to the courts of nisi prius in England; that all causes should be tried before a single judge; and that thus motions for new trials or an arrest of judgment, should not be heard before or decided by the same judges who sat on the trial; but that such motions should be reserved for and disposed of by the supreme court alone, consisting of the full bench. But such an improvement would not be complete unless the judges of the supreme court were men of legal education. Such an arrangement would render necessary the appointment of assistant judges at the assize courts."

3411. Mr. *Gladstone.*] Do you not think that some legal knowledge was necessary in the case mentioned by Captain Oldrey, where the two judges were not professional men?—I am not prepared to say that either of those judges was incompetent to have decided any question arising on that trial. I consider that Mr. Barrett, though not called to the bar, who was one of the judges, possesses extensive information, and has acquired a good deal of legal knowledge from reading and from long experience. Another of the judges had been many years ago a solicitor, and had long been an assistant judge.

3412. Supposing you were satisfied with the case of those two individuals, do you think that you have always sufficient security that the party who might sit in the absence of the Chief-Justice would possess legal knowledge?—I think that there is a sufficient number of well educated gentlemen in the island of Jamaica to admit of the administration of the law being entrusted to them, provided professional persons be associated with them, so as to exclude all those disadvantages which might arise from there being no professional person on the bench. There is as much evil in having the bench wholly occupied by persons who have no knowledge of the local laws and usages, as to have it wholly occupied by persons who have had no legal education. The law administered in Jamaica consists not merely of the common law of England, but of usages and local Acts, of which a person who might have been educated in this country would, till he had acquired experience there, be wholly ignorant.

3413. Sir *George Grey.*] Those judges have criminal jurisdiction as well as civil?—They have; I can certainly say, in my experience of the administration of criminal jurisprudence, that I certainly have not met with any instances in which I could find fault with their decisions either on one side or the other. I was twelve years Attorney-General, and although I might find fault with decisions in civil cases, yet I must say in the criminal jurisdiction I was unable to find such cases.

3414. Mr. *Gladstone.*] You have in civil cases seen defects?—I have; in cases, too, in which the Chief-Justice has concurred with the assistant judges.

3415. Sir *George Grey.*] What salary is received by the assistant judges?—Two assistant judges of the supreme court receive 1,000*l.* a year each; two assistant judges in each of the assize courts for the counties of Cornwall and Surrey receive 700*l.* each. The total amount of the salaries of all the assistant judges is 4,800*l.* currency.

3416. Is there a regular Chief-Justice?—Yes.

3417. What is his salary?—He receives 4,000*l.* a year currency, and 150*l.* is paid to him from the appropriated revenue, I believe; he also receives some fees. With respect to various other objections which have been urged to these laws, I am quite satisfied to leave them upon the answers which have been given by the witnesses to the questions put by the Committee; the objections are removed by the answers.

3418. Have you now concluded the observations which you were desirous of making upon the Jamaica enactments?—I have concluded the observations I had to make on the Jamaica enactments. I refer to the observaions with which I originally

W. Burge, Esq.

8 July 1836.

originally prefaced my evidence. I have only to add, if any of the statements which have been made by the witnesses, either with respect to the working of the apprenticeship measures or the general habits or disposition of persons in the colony, or the conduct of the tribunals, should influence the decision of the Committee, I ask for the opportunity of further meeting those statements, by bringing before the Committee the witnesses who may have the means of refuting them. There are some persons now in England who have been in Jamaica since the Abolition Act was passed, and I wish that their evidence may be heard.

Captain *Oldrey*, called in; and further Examined.

Captain *Oldrey*.

3419. *Chairman.*] THE Committee understand you have expressed an opinion which was implied in an answer given by Mr. Burge to the Committee, that you conceived that as a special magistrate you had a power to adjudicate upon claims of wages to the apprentice from his employer; will you have the goodness to state to the Committee in what sense you meant to make that assertion?—By the 49th clause, a special magistrate is empowered by Act to adjudicate every case between master and apprentice.

3420. Did you mean, then, to say, that the special magistrates had the power to oblige the master to pay to the apprentice any sum of wages that was due to him, if he thought fit?—Not to the apprentice, because the last clause but two states that every fine must go to the public of the island; the 68th clause.

3421. You mean merely to state to the Committee, that you had the power of fining the master for not having paid this money to the apprentice, which fine was to go to the Crown, and not to the apprentice?—To the island, and not to the apprentice.

3422. Is the Committee distinctly to understand that you do not conceive you have the power of obliging the master to pay to the apprentice the wages due to him?—Certainly not, the 68th clause prevents it.

3423. In what way do you imagine the apprentice might proceed to recover the amount of wages due to him from his employer?—The courts are open to him, should he prefer taking his case before any other court.

3424. Mr. *Buxton.*] That is, supposing he had sufficient knowledge and sufficient money to appeal to the court?—Decidedly.

3425. Mr. *Gladstone.*] Were cases of wages withheld frequently brought before you?—No.

3426. Have you reason to know that they frequently exist?—I have heard that they frequently have existed, and that faith has been broken by the master, but none came under my own observation.

3427. *Chairman.*] Did such cases come before you in any single instance—No.

3428. Mr. *Gladstone.*] Are you aware at what period apprentices are paid their wages?—Weekly, they prefer it; many will not trust beyond the week.

3429. Is it usual to pay them weekly?—Yes, it is.

3430. When the interval is beyond a week, what would it be in general?—I cannot exactly answer the question; they used to be paid weekly for their weekly labour, and many will not trust beyond a week; some masters have violated their faith with the apprentices, I do not mean to say generally, which has been the cause of their not working so willingly as they otherwise would, and another reason is, the improper treatment they have received; I can point out one estate, Mr. Taite's, in Westmoreland, line in line with Mr. Scott's, where the apprentices would not give a single hour of their own time to their own master, but hire themselves out to Mr. Scott regularly.

3431. Mr. *Buxton.*] How many crops of sugar were carried off when you were in the island?—I should say two.

3432. Was one of those during the time of slavery and one during the time of apprenticeship?—In the parish of St. Elizabeth the season is later than in other parts of the island; one took place in the time of slavery and the other under the apprenticeship system.

Martis, 12° *die Julii*, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Charles Lushington.
Mr. William Gladstone.	Sir George Grey.
Mr. O'Connell.	Sir Stratford Canning.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq., called in; and further Examined.

W. Burge, Esq.
12 July 1836.

3433. *Chairman.*] ARE you desirous of making any further observations to the Committee on the subject of Jamaica enactments?—On Friday last, when I laid before the Committee the Act passed in 1834, intituled "An Act to facilitate the Recovery of Small Debts," and which extended the jurisdiction of a single justice from 40*s.* to 5*l.*, I was asked whether, as that Act was passed only to be in force until the 31st of December 1835, I knew that it had been re-enacted? I stated my impression that it had been re-enacted. I knew that a committee had been appointed at the commencement of the session to bring in that Act; but not then having the votes of the House of Assembly before me, I was not able to state with certainty whether it had been passed. I have, however, since then referred to the votes, and I find that on the 17th of December, that Act which had been brought in at the commencement of the session, passed into a law, by receiving the Governor's assent, and consequently that Act is now in force.

Mr. *William Miller*, called in; and Examined.

Mr. *W. Miller.*

3434-5. *Chairman.*] I BELIEVE that you are well acquainted with the island of Jamaica?—I am.

3436. Will you have the goodness to state to the Committee how long you have resided there?—Thirty-six years.

3437. Mr. *O'Connell.*] Up to what time?—Up to the 5th of June 1835.

3438. *Chairman.*] Were you a proprietor of slaves?—No, I had a few domestics.

3439. But you were not a planter?—I am a planter by profession. I was agent for a number of proprietors, and managed their properties there.

3440. Were you a member of the legal profession?—No.

3441. Mr. *O'Connell.*] Or any profession besides?—No other.

3442. *Chairman.*] Were you a member of the House of Assembly?—No.

3443. Mr. *O'Connell.*] Were you a member of the Legislative Council?—Yes.

3444. When were you appointed?—In 1834, I think.

3445. Mr. *Gladstone.*] By whom?—Lord Mulgrave.

3446. Your interest then in slaves was confined to a few domestics?—To a few domestics.

3447. How many properties, with what number of apprentices, had you under your care, as agent for proprietors?—Rather more than 10,000.

3448. How many estates?—Forty-eight properties, from the 1st of August, the commencement of the apprenticeship.

3449. Have you property in any other colony but Jamaica?—No.

3450. Have you any intention to return to the colony?—No intention whatever.

3451. Were you custos of any parish?—Of the parish of Trelawney.

3452. You were appointed by Lord Mulgrave; did you continue in the Legislative Council up to the time of leaving the island?—Yes, until the time when I left the island.

3453. You remained there a considerable time in the Legislative Council under Lord Sligo's government?—Yes, my appointment was in England. I was recommended by Lord Mulgrave.

Mr. *W. Miller.*

12 July 1836.

3454. Were you in the habit of confidential communication with Lords Mulgrave and Sligo?—Yes.

3455. You had not merely official intercourse, but confidential communication?—Yes.

3456. Have you reason to believe you enjoyed their confidence and good opinion?—I have reason to think so.

3457. Up to the time when you left the island?—Up to the time when I left the island.

[*A letter was handed to the Witness.*]

3458. Have the goodness to refer to a letter which appears in page 45 of the second part of the Parliamentary Printed Papers, No. 1.; is that a letter of Lord Sligo's?—It is.

3459. Are you the person referred to in that letter of Lord Sligo's?—I believe I am.

3460. What course did you take relative to the question of abolition, when it was under discussion in the Legislature of Jamaica?—The course I took was favourable to bringing it about.

3461. You were anxious to see the principle of apprenticeship carried fully into effect?—Certainly.

3462. You thought that that afforded the best prospect of a favourable issue to the state of slavery?—I did.

3463. *Chairman*] Were you a magistrate in Jamaica?—Being one of the Legislative Council made me a magistrate in every parish in the island.

3464. But were you accustomed to act as a magistrate in Jamaica?—Yes.

3465. Mr. *O'Connell.*] You had been a magistrate of a particular parish before?—Of several parishes.

3466. How long is it since you got into the commission of the peace; about how long?—My memory does not serve me, but it was a good many years ago.

3467. Ten or twelve?—Yes; I think nearer twenty years.

3468. *Chairman.*] Do you conceive, upon the whole, that the system of apprenticeship is working well?—I understand that it is now working better than it did when I left the island; I could perceive, before I left the island, an improvement in the working of the system.

3469. What were the principal difficulties in the working of the system, as they appeared to you, while you were in the island?—In all great changes there are a great many difficulties; the thing was new to everybody connected with it.

3470. Did those difficulties arise from the nature of the subject itself, or from the aversion either of the negro population or of the planters to this new state of things?—I do not think there was any aversion on the part of the planters, and the negroes did not understand it well at first; it was a new thing; I believe they expected to have received wages from the commencement.

3471. Do you believe that both classes are becoming gradually more reconciled to this new state of things?—I think so.

3472. Mr. *O'Connell.*] Is it your opinion, though they were disappointed in that expectation of wages, that the system would have worked better?—Would you wish me to explain my opinion of what was likely to make the system work better?

3473. I wish you first to answer my question, which was— Is it your opinion that the payment of wages would have made the system work better?—Instead of the present system?

3474. Yes?—I think it would; I think the negroes would have liked it better.

3475. *Chairman.*] Do you mean by that to say, you think that a system which left the negro free to receive wages for his labour would have been preferable to an apprenticeship system, that it would have worked better than an apprenticeship system?—I do not mean to say that it would have worked better, but I think they would have liked it better.

3476. Mr. *O'Connell.*] The opinion you gave me was, that the system would have worked better on wages; that was the opinion you gave me, at least I so understood it?—Yes, I stated that the negroes would have liked it better.

3477. Of course you know in that is implied, that the former proprietors should not give any allowances for extra wages, and in that view of it, is it your opinion,

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as a practical man, that the system would have worked better, the negro providing for himself but getting wages for his labour?—I had no experience of that; I think the negroes would have been better pleased with wages, but I am not certain that the negro would have given sufficient labour.

3478. *Chairman.*] I do not quite understand whether you mean a system of wages connected in some measure with the system of apprenticeship, or a system of wages such as farm servants in this country might be working for, and no system of apprenticeship at all?—I merely meant to say, that I thought the negro would have been better pleased if he had been offered wages.

3479. You mean to say, that as far as the negro is concerned, he would prefer a system of free labour to a system of apprenticeship?—Yes.

3480. Do you think that the negro considers the system of apprenticeship as substantially more favourable to him than the old sytem of slavery?—I should think so.

3481. But do you think he looks forward with pleasure and hope to the substitution of a system of entire freedom to that of the present system of apprenticeship?—I have no doubt of it.

3482. Mr. *William Gladstone.*] Is it your opinion it was judicious to interpose a system of apprenticeship between a state of slavery and a state of entire freedom?—I think so.

3483. But when you say that you think the system would work better upon wages than as it is at present, do you mean the Committee to understand that wages are paid in very few cases at present?—I did not mean to say it would work better; I said the negro would be better pleased with wages.

3484. Mr. *O'Connell.*] Is it your opinion that the negro could expect wages without giving adequate labour for the wages?—He ought not to expect it.

3485. That is quite clear; but from your knowledge of the country, is it candidly your opinion that if he had been offered wages on the terms of giving fair value in work for it, and that there was no obligation in any body to provide for him in any way, that he would or would not have worked for those wages and earned them?—No, I think it is very doubtful.

3486. You are not able to form a decisive opinion, either this way or that?—No, because food is easily obtained there; they have not the same inducement to work there as in many other countries.

3487. There is not the same pressure, but there is the same anxiety for more comfort; the negroes like to be well dressed, do they not?—Yes, they are fond of dress.

3488. They are fond of every thing in the nature of luxury that they can get, are they not?—They are.

3489. Have you known the experiment tried of offering negroes wages by giving adequate labour?—Yes.

3490. Have you known that experiment tried, not in extra hours, but for the entire time of a day or a week?—I have known it for half a day, and I have known it indeed for a day.

3491. Then, so far as you have known it, was it successful?—I only knew it practised on two estates, and there it was successful.

3492. Have you any objection to mention the names of these estates?—At Hyde Hall and Etingdon.

3493. Mr. *Gladstone.*] Was that before or since the abolition?—Since the apprenticeship.

3494. Mr. *O'Connell.*] About what number of slaves were there upon each of those estates?—I should think about 550.

3495. Upon each?—Upon both.

3496. And was that experiment made upon the entire gang of each estate or partially?—On all the workers.

3497. Mr. *Gladstone.*] Do you mean that upon the two estates you have mentioned the negroes were paid for all the labour they performed, or merely paid for the labour beyond those hours which they were bound to work by the apprenticeship law?—The proprietor of the estates was in the island at the time. I had the management of them previous to his arrival, and he made an arrangement with the people.

3498. At the time of the emancipation?— After.

Mr. *W. Miller.*

12 July 1836.

3499. What was the basis of that arrangement; was it to give them remuneration for all the labour they should perform?—No, for one day in the week; I think they agreed, to the best of my recollection, to work in the old way, from daylight until dark, for four days, and he paid them wages on the fifth day.

3500. And the sixth day they had to themselves?—Yes; they had the sixth day to themselves. He was anxious to employ any that were disposed to work, even on the sixth day, and would have paid them.

3501. But they preferred working on their own provision grounds on the sixth day?—Yes, most of them.

3502. Now, when they worked on their own provision grounds on the sixth day, were they contented to give the fifth day to their master for wages?—Yes, they entered into an agreement with him.

3503. Then how did they contrive to take their provisions to market; did they take them to market on a Sunday?—Negroes do not go to market every market day; only now and then, when there is an overplus of provision, they go to market.

3504. How often, upon the average, would negroes go to market?—It depended altogether upon the season, whether it was a favourable season for producing provision or not.

3505. Taking the case where they would require oftenest to go to market, how often would they go; would they require to go once in a fortnight, once in three weeks, once in a month, or how frequently?—Perhaps once in three weeks.

3506. But sometimes more rarely than that?—Yes; but the heads of families seldom go to market; they send their children, and sometimes some negroes employ others to carry their provisions to market.

3507. Mr. *O'Connell.*] And pay them?—Yes.

3508. Mr. *Gladstone.*] And do they find it more profitable to pay others to take their provisions to market in some cases than they do to go themselves?—It enables them to stay at home and attend to their little property, and cultivate their provision ground, and do as they think proper.

3509. In the case of these two estates the negroes generally preferred wages on the fifth day to having the benefit they would derive from having two days' work for themselves, and thereby having a greater facility of going to market themselves?—It appeared so from their entering into the arrangement with the master.

3510. How distant were the markets in the case of these two estates?—There was a market within four miles of the estate.

3511. Is that nearer than the markets generally are; is that less than the average distance of markets?—Perhaps it is.

3512. You think it is, on the whole?—Yes, I think it is, on the whole.

3513. Was there one estate within four miles, or each of the two estates?—Yes; the distance is nearly the same.

3514. Was there anything peculiar in the circumstances of these two estates which led to the formation of such an agreement; do you ascribe it to anything in the disposition of the people or the disposition of the master; for I think you said these were the only two estates which you knew as to which a similar agreement was made?—Yes.

3515. To what do you ascribe the fact that such agreements have been made upon these two estates and upon no other?—Upon my word I cannot account for it; I cannot give any particular reason.

3516. But you say that those are the only estates on which such agreements have been made that you know of?—I merely speak as to my own knowledge.

3517. Do you mean that you are not aware of any other estates upon which wages are paid at all to the negroes?—Wages were paid on every estate I was concerned for.

3518. Mr. *O'Connell.*] For extra hours?—Yes.

3519. And labour given accordingly?—Yes, and their half day that they were entitled to.

3520. How long did the experiment continue on these two estates, to your knowledge?—Until I left the island.

3521. And it was still going on?—It was going on, and I believe is going on now. The proprietor is in London, and can give the Committee any information upon the subject.

3522. Who is the proprietor?—Mr. Shirley.

Mr. *W. Miller.*

12 July 1836.

3523. Mr. *Gladstone.*] But what was the peculiarity of these two estates; did it consist merely in this—that they gave a whole day, the fifth day of the week, for wages, whereas on other estates they gave only half a day, and extra hours on the four other days?—They worked out their time agreeably to law during the four first days of the week.

3524. Then the whole difference consisted in this, that they gave the whole of their stipulated labour during the four first days, whereas in other cases it was spread over a space of five days in different portions?—Yes.

3525. Mr. *O'Connell.*] They worked more hours in four days, in order to have the fifth day to sell for wages?—Yes, that was the arrangement.

3526. And that arrangement was acted upon by them?—Yes, it was acted upon.

3527. And by their owners, who paid them faithfully the wages, I presume?—Quite so, the money was sent to the overseers of the estates every week for that purpose.

3528. *Chairman.*] Do you conceive the fact you have mentioned, of this system being confined to these two estates, is to be attributed to the proprietors of other estates not having made the same offer to the negroes, or that if the offer had been made, the negroes would not generally have been disposed to accept it?—I think it is very doubtful that they would have accepted it.

3529. Mr. *O'Connell.*] But there was no peculiar circumstance on these estates other than the owner seems to have made the offer; was there anything particular on these estates, and had they any advantage that other estates had not?—They had no advantages that other estates had not; in fact, perhaps it would be proper for me to mention, that all the extra allowances were stopped. Mr. Shirley stopped all extra allowances, and gave them, I think, to the best of my recollection, 2*s.* 6*d.* a day for Fridays; therefore they had not the same allowance that other estates had.

3530. But they could, if they pleased, have refused that plan?—Certainly.

3531. And thrown themselves on the allowances?—Certainly.

3532. And they preferred working more hours on four days, and working the entire of Friday for wages; that was a preference made by negroes?—That was the arrangement they entered into with their master.

3533. Mr. *Gladstone.*] By extra allowances you mean those that were not compulsory?—Those not provided for by law.

3534. Mr. *O'Connell.*] And what are those; just specify those that you reckon as extras of which they were deprived, the negroes of these estates?—The dry provisions; what we call dry provisions, flour, rice and fish, and their allowance of rum and sugar.

3535. They get none of these?—None of these.

3536. Then those allowances you conceive are not compellable by law to be given?—I am not aware that there is any law to compel it.

3537. *Chairman.*] Do you imagine the negroes on those two estates considered themselves, on the whole, better off than negroes on other estates or the contrary?—That I had no opportunity of arriving at a proper conclusion upon.

3538. Mr. *O'Connell.*] If they chose they could fall back on the law?—Certainly.

3539. *Chairman.*] Had the negroes on other estates you managed these allowances, or had they not?—On the estates I managed myself, I never stopped any allowances.

3540. On these two?—It was not me that stopped it on these two estates.

3541. Mr. *O'Connell.*] I understood you it was a free bargain?—I understood it so; I was not present when the bargain was made, but I understood from Mr. Shirley and from the people that it was.

3542. *Chairman.*] But do you suppose, if the negroes on these two estates had had the same allowance given to them by the proprietor which you gave to the negroes on the other estates that were under your management, that in that case the negroes upon these two estates would have been willing to work for the wages in the way you described?—I suppose they must have considered the extra wages equal to the allowance.

3543. Mr. *O'Connell.*] They liked the half-crown a-day very much?—I did not stop the allowance upon any estate I was concerned for, and I paid the people also for all their extra time, for the half day.

3544. *Chairman.*] But still, would the negroes that were receiving this allowance

Mr. W. Miller.

12 July 1836.

ance have submitted to that system of working that was in practice on these two particular estates to which you have adverted?—Would the negroes generally, do you mean?

3545. Would the negroes that were in receipt of the extra allowance, as was the case in the other estates under your management, would they have been willing to accede to the terms proposed to the negroes on these two estates, who worked for wages when they were deprived of their allowances?—If the proprietor had not been in the country I do not think they would have accepted of the terms that they did; not from me, they would not, in my opinion, but that is merely my opinion.

3546. Mr. *C. Lushington.*] Are you of opinion that the negroes generally can distinguish accurately between their past state of slavery and their present system of apprenticeship?—I should think so.

3547. Do you think they prefer the latter?—I should think so.

3548. Mr. *O'Connell.*] Upon that proposition I suppose you entertain no doubt?—No doubt whatever.

3549. Mr. *C. Lushington.*] Generally, according to your experience?—I have no doubt of it, that is my own opinion.

3550. Do they understand and appreciate the privileges they have derived under the apprenticeship system?—Very well indeed.

3551. If they are aggrieved or oppressed, are they acquainted with the proper course of obtaining redress?—They are.

3552. And according to your knowledge they are not deterred by apprehensions of the resentment of their masters from applying to the proper sources for redress, if they consider themselves injured?—As far as relates to my own concerns, quite the contrary. I invariably encouraged the negroes, if they had any complaints to make against any person that had the management of them, to come forward readily and make it to me, and I would give them redress.

3533. Mr. *Gladstone.*] I want to understand very distinctly the difference between these two estates and the other estates within your knowledge. I understand that on the other estates under your management wages were regularly and habitually paid to the negroes?—Yes; I preferred the nine hour system; indeed the nine hour system was pretty general at the commencement of the apprenticeships throughout the country, and I continued it during crop, and therefore in crop time it was quite necessary to employ the negroes during the half of Friday; their time expired at half-past 10 o'clock in the forenoon, and I paid them wages for the remainder of the day.

3554. Then upon all the estates under your management you paid the negroes one half day's wages?—Yes, I happen to have in my pocket the exact copies of several agreements I entered into with the negroes; perhaps the Committee will allow me to produce them.

[*The same were produced.*]

3555. Can you state what was the average amount of wages you paid, or would you read them from the papers which you have just produced; the amounts, not the whole agreement?—

3556. Mr. *O'Connell.*] State how much per hour, by the hour?—If you will permit me, as it is very short, I will read it; "A plan for taking off Seven Rivers sugar crop, 1835. The apprentices to be hired for a limited portion of their own time; videlicet, part of the spell gang for seven hours each day; the boiler-men, syphon-men, stokers and dry trash carriers for nine hours." For the seven hours, able people were paid at the rate of 1*s.* 3*d.*; children were paid at the rate of 7½*d.* For the nine hours, the boiler-men were paid at the rate of 1*s.* 8*d.*; the syphon-men 1*s.* 3*d.*; the stokers, that is, the people that make the fire, 1*s.* 8*d.*; the dry trash carriers, which is young people and children, at the rate of 1*s.* 3*d.*; on the Friday it was necessary on that estate to hire 54 labourers to work the half of Friday. The people in the distilleries received 10*d.* each, the head men 10*d.*, the cane cutters 10*d.*, the cart men 10*d.*, the loaders 10*d.*, boys and girls 7½*d.*

3557. Mr. *O'Connell.*] Are these currency or sterling?—They are currency; hat was at the rate of 12*l.* 16*s.* 3*d.* a week.

3558. Mr. *Gladstone.*] Twelve pounds sixteen shillings and threepence weekly for the whole estate; how many people were there upon the estate?—I think at Seven Rivers there were about 320, to the best of my recollection.

3559. Well, then, what sum would you pay in the year, for, I presume, the amount

amount you now mention did not continue for the whole year, but merely lasted during crop?—This was the agreement the people entered with me during crop.

3560. What sum on that estate would you pay during the whole year for wages?—If you suppose the crop was taken off in 18 weeks, it would be at the rate of about 13*l.* a week. The whole of the people assembled at the overseer's house, Seven Rivers, on Saturday the 10th of January 1835, and agreed to the above terms, in witness whereof the constables have affixed their marks, and the special magistrate his name.

3561. Then that would be at the rate of 234*l.* a year for that estate, multiplying 18 by 13?—Yes.

3562. Then did you pay no wages at all out of crop time?—I left the country in June, before the crop was finished.

3563. But from August to December, before the crop began?—No, I did not, to the best of my recollection, pay any wages before that.

3564. Well, then, in point of fact, you paid the allowance on all these properties?—Yes.

3565. Well, then, the difference between those properties under your management and the two properties to which you before alluded, appears to be that on those two properties the negroes had wages for one entire day, and none for four days, whereas on those under your management, they had wages for half a day?—And all the extra hours that they worked during crop.

3566. But was it not found necessary on those two estates to employ them for more than ten hours during each of the five days, during crop time?—I am not speaking of crop time on Mr. Shirley's two estates.

3567. Are you aware, then, what arrangement he made for crop time?—I do not know exactly the arrangement he made, but he paid wages for the extra time.

3568. Do you think, on the whole, the condition of the negroes on those two estates, in respect of their wages, was more advantageous than on the estates under your care?—I do not think them so advantageous, but that is only my opinion.

3569. Mr. *O'Connell.*] To the negro or to the master?—To the negro.

3570. Sir *George Grey.*] Did you think they got as much value for the work they did?—I think it would be hardly equal to all the allowances.

3571. Plus the wages which were paid on the other estates?—The extra wages on Mr. Shirley's estate.

3572. But you think on the two estates the value they received for their work was hardly equal to what was received by the people on the other estates, which consisted of the extra allowances, and the wages you mentioned?—Knowing the negro character well, as I do, I think very few negroes in my concern would have come into it.

3573. Would they have come into the arrangement made on those two estates?—No, I do not think so.

3574. Mr. *O'Connell.*] By characters you mean the shrewdness of their characters?—Yes.

3575. Mr. *Gladstone.*] For how many hours was the mill put about on the properties under your care during crop?—The hours allowed by law, and for all extra hours the negroes were paid.

3576. But for how many hours was the mill actually in operation?—It depended altogether on what crop there was to take off, and the situation of the estate; there was hardly the same plan practised on any two estates; it depends altogether on the situation of the properties.

3577. For how many hours generally then was the work continued about the mill?—For 16 or 18 hours.

3578. Was it in any case greater; did it ever continue for the whole twenty-four hours?—Not to my knowledge.

3579. On any of the properties?—Not any of the properties I attended to.

3580. What was the greatest period which any negro, on the properties under your care, worked continuously, whether for hire or by compulsion?—I think 18 hours, to the best of my recollection.

3581. In any case did any negro work for 18 hours continuously by compulsion?—Do you mean during the apprenticeship?

3582. In any case during the apprenticeship, did any negro work 18 hours; did he give 18 hours of the 42 weekly hours he was bound to give continuously

Mr. W. Miller.

12 July 1836.

tinuously by compulsion?—He gives it of his own free will and accord; he might either give it or not give it as he thought proper; if he gave his labour, he got wages for it.

3583. Did he ever give 18 hours without getting wages for a part of the 18 hours?—Certainly not to my knowledge.

3584. Must you have known it if it had been the case?—I should think so.

3585. Were you in the constant habit of receiving accounts and inspecting the properties?—I received a diary every week of the actual transactions during the week.

3586. Did you pay them frequent personal visits?—Yes, I did as often as I could.

3587. You described the practice of paying wages as universal on the estates under your own care, do you believe it was general throughout, according to the best of your knowledge?

3588. From the acquaintance you have of the habits of the persons in the island?—With the gentlemen that I was acquainted I believe it was general.

3589. Was there any falling off in the crops on the estates under your care?—Yes.

3590. Considerable?—Considerable.

3591. To what proportion upon the whole; I do not ask you as to any particular estate, but to what proportion, on the whole, was the crop of 1835 less than the crop of 1834?—I should think about one-tenth

3592. Taking the entire island of Jamaica?—I am speaking of my concern.

3593. I believe, if you take the whole island of Jamaica, the decrease of the crop of 1835, as compared with the crop of 1834, is considerably greater, is it not, than one-tenth?—

3594. Mr. *O'Connell.*] Do you know whether it is or not?—I am not aware, because the crops were not finished when I left.

3595. *Chairman.*] Were the seasons equally favourable those two years?—The seasons were favourable both years.

3596. Do you think any part of that difference can be accounted for by any difference of seasons?—It was my opinion that it was caused by the want of labour.

3597. Sir *G. Grey.*] Was the one-tenth diminution of the crop of 1835 more than a larger diminution which has frequently taken place between one year and another under slavery?—The crop of 1835, according to the favourable seasons we had, and if every thing had been going on in the usual way, ought to have been a very large one, for during all the time I was in Jamaica, I do not recollect a more seasonable year.

3598. Mr. *Gladstone.*] Then you ascribe the difference to want of labour; but did you find practically any very great difficulty in inducing apprentices to enter into agreements to work for wages, or to perform those agreements when they had entered into them?—At the commencement of apprenticeship, in my own concerns, they objected to enter into an agreement; I could not induce them to do so.

3599. The thing was new to them?—Yes; in fact they said they did not understand the thing.

3600. Sir *George Grey.*] Owing to a misapprehension?—I believe it was so.

3601. Did that indisposition to enter into an agreement gradually disappear?—Yes, it did.

3602. Then, did the want of labour, of which you complain, become less and less felt, or did it continue to be felt as severely in the latter part of the crop of 1835, as it was during the earlier part?—No, I think the system improved during the latter part; the people understood the thing better.

3603. Mr. *O'Connell.*] Did you ever know in that period a negro refuse his labour for adequate wages?—Yes, I have known whole gangs on many estates that would not take wages at all at first.

3604. But when once the system of wages began to work, did you ever know them refuse adequate wages?—The crops on my concern were taken off all with wages from the commencement; they understood the thing better.

3605. *Chairman.*] Do you apprehend that at present there is any ground for fearing there would not be an adequate supply of labour, in case of an abundant crop, if proper wages were offered?—I think that is very doubtful; I do not think that they would give sufficient labour to take off a very large crop.

3606. Mr. *O'Connell.*] The habit of labouring for wages is increased?—No doubt of it; the letters I receive by every packet confirm that.

3607. Sir *George Grey.*] Was there an indisposition, that you are aware of, on the part of any managers of estates in the infancy of this system to offer wages?—Not to my knowledge, although I have heard it said so, but I do not know it of my own knowledge, none of my neighbours had an indisposition to offer wages.

3608. But you have heard it stated?—I have heard it stated.

3609. Have you heard it stated, that that indisposition also has decreased since the system has been longer in operation, and that wages are more general latterly than they were?—I think the system is better understood now than it was at first, and that the thing is working better on both sides.

3610. Mr. *Gladstone.*] From the improvement that took place in the estates under your own management, should you have felt confident you would take off a larger crop in 1836, supposing you had an equally favourable season, than you took off in 1835?—Yes.

3611. Do you think you would be able to take off a full crop, supposing you had a good season?—Not a full crop in the proper time.

3612. Is it not usual to plant canes for the next year during the time you take off the canes for the current year?—The extent of the crop would depend altogether on when the plant was put in.

3613. At what period of the year is the plant put in?—They commence planting in the month of October, that is what is called the fall plant; they plant in the months of November and December.

3614. Is there no planting of canes during the months of crop?—Frequently; there are some districts of the country, where a spring plant answers better than a fall plant, and then it is necessary to put in the plant during the crop.

3615. Now, upon the estates under your care, did you plant in the spring or in the fall?—On some of them in the fall, and others in the spring, and others we do not plant at all, we go on what is called the returning system.

3616. On those estates planted in the spring, you found a great difficulty in carrying on the planting of canes at the same time with the crops?—We could not carry on the crop at all.

3617. You are obliged to desist from the crop during the time of planting?—Yes.

3618. During the system of slavery, did you plant at once, and take off the crop?—Yes.

3619. Do you mean to say you could not get sufficient labour to do both at once?—Yes.

3620. Were you ever induced to offer what perhaps you would consider high wages for the sake of inducing the people to do both at once; did you ever attempt to stimulate them to labour by offering high wages?—Yes, the people would not dig cane-holes for wages. I understand they are now digging cane-holes for wages, and I understand they take jobs on several of the properties that were under my management. They undertake perhaps a piece of five, six or ten acres for so much per acre.

3621. Was the system of task-work in practice on any estate under your management?—Yes, it was.

3622. Was it in practice during slavery, or was it introduced with the apprenticeship?—It was in practice during slavery.

3623. Extensively?—Yes, on a few estates in my concern.

3624. With reference to the amount of wages, upon what principle did you proceed in estimating the amount of the wages you could afford to give to the negroes, as the system was new to you?—If I had taken that into consideration, the wages would have been so small. If I had only allowed the amount that the proprietor could afford, I would not have got the people to work.

3625. Sir *George Grey.*] The amount that you conceived the proprietor could afford?—That I conceived the proprietor could afford would not have been sufficient to have induced the negroes to work, I therefore gave them the wages that jobbing negroes were in the habit of receiving.

3626. You offered them the wages of jobbers?—Yes, what they have been accustomed to, and what they know to be the wages.

3627. Do you think then that the sums you offered were more than the ordinary proceeds of the estate would properly afford?—I think so.

3628. Are you quite confident of that fact?—I made a calculation, and I know what

Mr. *W. Miller.*

12 July 1836.

what a planter could afford to give for 100, 200 or 300 hogsheads on the estates that I had the charge of.

3629. Now, according to your calculation on any one of those estates, or upon all of them, instead of the 1*s.* 3*d.* for the seven hours to the spell-gang which you just read to us, from the agreement you made, how much or about how much would the negro have got?—That is what the proprietor could have afforded, 1*s.* per day to able people.

3630. Mr. *Gladstone.*] And that would have been 20 per cent. less?—Yes.

3631. Sir *George Grey.*] Was the rate of wages uniform on all the estates you had the charge of?—There were hardly two of them the same.

3632. You read us one; what proportion does the rate of wages in that agreement you read bear to the average rate?—On some estates under my management, we made sugar at the extra wages, at the rate of 15*s.* per hogshead, others 18*s.*; some 20*s.*, some 30*s.* and I think the highest was 34*s.* 6*d.*

3633. You are stating now what the expense of extra wages was?—Yes.

3634. Mr. *Gladstone.*] How do you account for so very great a difference as that between 15*s.* and 34*s.* 6*d.*?—The difficulty of making agreements with the people. The planter could not do without the labour.

3635. Do you ascribe it solely to the greater or less disposition of the negroes to work, and to the inequality in the nature of the work performed?—Yes.

3636. Mr. *O'Connell.*] The greater disposition of the negro to get high wages?—Yes.

3637. Sir *George Grey.*] In point of fact, was the amount of wages given in each case regulated by the willingness of the negroes, with whom you made agreements, to perform the work for the amount of wages contracted for?—In a great measure.

3638. Was that the general standard?—My standard was never to offer less than what was generally given as the price of jobbing labour.

3639. Mr. *Gladstone.*] Now, with reference to the high wages you have described, when you said that the planters could not afford to pay them, did you say it with reference to the present price of West India produce, or that obtained some few years ago?—No, when I made my calculation, sugar was not selling so high as it is now.

3640. And when you said the planter could not afford them?—I made my calculation on 20*l.* sterling a hogshead, and 10*l.* sterling a puncheon of rum.

3641. Sir *G. Grey.*] What has the produce of that crop sold for, upon an average; what has been the average price per hogshead?—About 20*l.*

3642. Mr. *Gladstone.*] How many pounds weight per hogshead?—Eighteen hundred weight.

3643. Sir *G. Grey.*] You made your calculation on what?—On 20*l.* sterling per hogshead, and 10*l.* per puncheon.

3644. And what was the actual average selling price?—It would depend altogether on the weight of the hogshead what it would fetch per hogshead.

3645. But the hogshead you calculated at 20*l.*?—Yes, in the calculation that I made, I took the average shipping weight of my whole concern, and put it at the rate of 20*l.* per hogshead.

3646. Was the average selling price of that crop higher than the calculation you made?—Very considerably higher, I should think.

3647. Mr. *Gladstone.*] When you made that calculation as to what the planter could afford, did you credit the estates with the interest of the compensation money, or did you leave the compensation money altogether out of the question?—I left it altogether out of the question. My principal reason for making the calculation, was to know how estates could be conducted by and by, at the expiration of the apprenticeship.

3648. Mr. *O'Connell.*] You gave me an account of the extra allowances not compellable; what, in your judgment, are the allowances compellable to be given by law, what would they consist of?—They are enumerated in the Consolidated Slave Law, and to the best of my recollection I think it is clothing and provision ground.

3649. And nothing more?—I beg to refer you to the Consolidated Slave Law. Nothing more, to the best of my recollection.

3650. Upon Mr. Shirley's two estates was there nothing more given than clothing and provision ground?—I understood from Mr. Shirley that that was the arrangement he had entered into with his people.

3651. Do you mean to say that the same quantity of clothing, according to your experience, was given after the apprenticeship that was given before?—Certainly. I allude to my own concern when I speak positively. The same quantity of everything was given; I never altered.

3652. Sir *George Grey.*] In your own concern you gave not only the allowance compellable by law, but all the extra allowance too?—Yes, all that they had ever been accustomed to receive.

3653. You made no difference in any of the allowances, whether compellable by law or not?—No.

3654. Mr. *Gladstone.*] Did you exact extra work from the negroes in return for such extra allowance?—Never one hour.

3655. Is that extra allowance never calculated on the amount of wages paid for extra time?—No.

3656. Do you believe the majority of the estates was worked upon the same principle as those which you had the care of, or, on the contrary, that on the majority of the estates the negroes were compelled to give extra labour, in order that they might not be deprived of their allowance?—I understood from my neighbours they were conducting their estates in the same way as I used to do.

3657. Mr. *O'Connell.*] Did they receive that extra allowance while they were slaves?—Yes.

3658. Constantly, it was your habit?—There was no particular allowance, because I lived long enough in Jamaica to remember the time when the negroes on many properties got little or no fish.

3659. But after they got fish?—After they got fish; I remember when I went to Jamaica first, some of the planters imported fish sometimes at the rate of a barrel for four or three negroes.

3660. At that period were there not other indulgences, for example, their victuals were cooked for them during slavery, was it not?—That is not the case now.

3661. Was it not the case during slavery?—Certainly.

3662. And they were allowed nurses to attend to their children during slavery?—Certainly.

3663. Now during slavery, the spring planting, which seems to have been the severest work, was not that generally done by the job, even during slavery?—That depended altogether on the strength of the property. An able-handed property could afford to turn out a gang and put in the spring plant without stopping the mill; a weak-handed estate would prefer employing a jobber, because they could not put in the plant without stopping the mill.

3664. Mr. *Gladstone.*] Were many of the estates you managed full-handed estates?—Yes, several of them.

3665. But even on them you say you could not get labourers enough to carry on the planting?—Certainly.

3666. Sir *George Grey.*] Did you, in fact carry on the planting by any means on these estates without stopping the mill?—No, we stopped the mill to put in the plant.

3667. Which you would not have done during slavery?—No.

3668. On the same estates?—On the same estates.

3669. With the same number of hands employed?—With the same number employed.

3670. Mr. *O'Connell.*] Do you know any instance of spring planting without hiring jobbers?—Oh yes; some estates never hire jobbers; when there is plenty of strength on the property it is not necessary to do it.

3671. Are these constables negroes that put their marks to that agreement?—They were negroes.

3672. Do you mean free negroes?—Apprenticeship negroes.

3673. Some of the free negroes have acquired wealth, have they not?—You mean the apprentices.

3674. No, I mean men who are free, free even during slavery?—A great many of the coloured people have.

3675. But I distinguished, and I wish you to distinguish. I know that brown people have (the coloured people), but have any of the actual negro blood, without mixture of European, acquired property?—They may have acquired a competency. I do not know any negro that possesses any property of consequence.

3676. During slavery, what was the highest rate you have known given for jobbing to an owner of jobbing slaves?—To do what?

Mr. *W. Miller.*

12 July 1836

3677. In spring planting?—That depended upon the nature of the soil; perhaps no two properties gave the same amount; if the soil were light, it would cost less than if it were heavy, but I have known as high as 10*l.* an acre to be given for a very heavy soil.

3678. Now what was the lowest by the acre, that you remember in the more favourable soil?—I have known cane-holes dug for 4*l.* an acre.

3679. Mr. *Gladstone.*] How many days' labour would there be in digging cane-holes in an acre, on the lightest soil, of how many hands?—At a light soil, I should think that 24 negroes would dig an acre a day with ease, and in very heavy soil, it is considered a fair day's work for a man to dig 60 cane holes a day, on very heavy soil.

3680. Mr. *O'Connell.*] What is your calculation as to the number of cane-holes by the acre?—When it is lined with four foot holes, the number is 2,722 in an acre.

3681. Mr. *Gladstone.*] Then according to the rate of 4*l.* per acre on light soils the wages of each man would be between 3*s.* and 3*s.* 6*d.*?—Yes.

3682. Sir *George Grey.*] That is supposing the negroes themselves to get the wages; but supposing that was paid to a jobber, who received a profit out of the labour of the gang?—I am speaking of a jobber; the negroes had not come into that way of working when I left the island.

3683. Mr. *Gladstone.*] I think you said the nine hour system of labour was in practice on all the estates under your management?—Yes, to the best of my recollection.

3684. You said also, that it was generally in practice throughout the island at the commencement of the apprenticeships, but that afterwards it was changed in certain parishes?—It was changed, and I believe the principal cause was, that the Marquis of Sligo strongly recommended the eight hour system, and I am not sure if he did not issue a proclamation recommending it.

3685. Could you refer the Committee to any document in which it was recommended by the Marquis of Sligo, inasmuch as if it were recommended by him, there must have been some formal and official document?—I think I observed in one of his despatches, wherein he stated he had sanctioned it.

3686. And do you refer the adoption of the eight hours' system on those estates where it was adopted for the most part, to that recommendation of the Marquis of Sligo?—I think it is more likely to answer the proprietor of the estate, and I think it would be equally beneficial to the negro.

3687. But did you adopt it on the estates under your own management?—No, not at the time, because the crops were not finished when I came away; it is very likely I might have adopted it if I had remained.

3688. Now it has been stated, that the eight hour system is injurious to the negro, because it leaves to him so small a fraction of the five days of the week, on each of which he has to give eight hours to his master, that he cannot employ it advantageously to himself in his own provision ground, whereas if he had the nine hour system, he has the entire moiety of Friday available to his own benefit, and on the Saturday he is enabled to go to market; is that your view of the case, or how would you make out the proposition that the eight hour system need not be more oppressive to the negro?—The eight hour system enables the negro to give his master an hour or an hour and a half a day every day for extra wages, whereas the nine hour system enabled them to leave off at half-past ten o'clock on the Friday, and the negroes were not then disposed to give their masters the half of the Friday; that is to say, they were not so willing as they would have been under the eight hour system.

3689. Then how did they dispose of that half day; on their own provision grounds?—Perhaps some of them might.

3690. They either disposed of it on their own provision ground, or else in no fixed employment at all?—I thought I had discovered that when they had the half of Friday, they were very fond of visiting; they often travel a great distance, and form connexions; this gave them the half of Friday, all Saturday and all Sunday, and on the Monday a great many were disposed to come to the hospital instead of going to work.

3691. *Chairman.*] Which of the two systems do the negroes prefer, the eight or the nine hours' system?—The nine hours' system I believe, and I think so because it gives them the two days and a half together.

3692. Mr. *Gladstone.*] Is it your opinion that the negro would employ the two extra hours on the fifth day more beneficially to himself by giving them to his master than he could employ the half day of the Friday by working on his own provision grounds?— I think so, if he received fair wages for it.

3693. Are you decidedly of that opinion? —I am, and I think it would have been more beneficial to their health; but that I give as my own opinion.

3694. Did you ever hear it stated that the adoption of the eight hour system was owing to a desire to thwart the apprentices, and to curtail the comforts of the negroes?—I never understood that.

3695. But have you never heard it stated or suggested that that was the case, and that in fact it arose out of the excitement and agitation prevailing in the island?—I have seen it in the newspapers, but I do not know it of my own knowledge.

3696. Do you believe such statement entirely devoid of foundation yourself?—I think so.

3697. Sir *George Grey.*] Which system, the eight or nine hour, do you think most popular among the negroes?—I should think the nine hour system.

3698. Mr. *O'Connell.*] For less wages?—Not for less wages; the negroes understand that uncommonly well.

3699. Mr. *Gladstone.*] What proportion of the estates, within your knowledge, were worked upon the eight hours' system, and what proportion the nine hours' system, when you left the island?—That I have no idea of.

3700. Cannot you give the Committee a general idea of the proportion, which was the more common of the two, the eight or the nine hours?—I should think at the time I left the island, which was during crop in the parish of Trelawney, the nine hours' system was. I do not know what was the system that was followed up on the pens and coffee plantations.

3701. Mr. *O'Connell.*] In the plantations of which you had the management, were the provision grounds generally near the sugar plantations, or remote from them?—Almost every plantation I was concerned for had what they call dinner-time ground, that is, ground that, during the two hours' dinner-time, the negro can go to and return back to his work in the afternoon.

3702. Was it generally far from his hut, his habitation, his house?—No.

3703. Was it near or far from the sugar plantations in general?—The negroes' houses generally are built as near the centre of all plantations as possible, and at no great distance from the works.

3704. Mr. *Gladstone.*] How much land, on an average, would each negro have to attend to during his dinner-time?—They are not confined to any particular quantity of land; it is what a man is capable of cultivating.

3705. Then are these dinner-time grounds close by his hut?—They are on the estate, perhaps within a mile, some within half a mile, some joining the huts.

3706. Mr. *O'Connell.*] I wish to call your attention to some evidence given on oath during the prevalence of slavery. I wish to know how much of these allowances now the apprentices in general have, a house, clothes, the privilege of keeping stock and feeding it on his master's property?—Yes, all these on the properties that were under my charge.

3707. And during crop, using the cane tops for his pigs, are all those continued?—To all in my employ.

3708. Had his family access to the boiling-houses and the use of hot liquor during crop?—There was no alteration whatever with regard to those that were in my employ.

3709. A medical man still?—Yes.

3710. And hospital provision ground, costing 15*l.* an acre, have they this?—They have all the allowances they used to have.

3711. Garden ground with fruit trees, meat and port wine, when they are sick, have they these still?—Yes, they have.

3712. And all other necessaries ordered by the doctor, salt fish at Christmas and harvest home?—Yes.

3713. Herrings once a week?—Yes.

3714. Oatmeal for the children?—Oatmeal or rice, or something else.

3715. Pot boiled every day, with the exception of Sunday, for the children, is that so still?—That was the rule with regard to all in my employ; all children under eight years of age.

Mr. *W. Miller.*

12 July 1836.

3716. And all these allowances are continued to the negroes?—Yes. They were continued up to the day I left the country. The properties I was concerned for have fallen into the hands of other managers now, and therefore I cannot speak to what is done now.

3717. And these you consider the customary allowances on the estates you have had to do with?—Yes; those were the allowances that I gave.

3718. Sir *George Grey.*] Were you examined as a witness before a committee of the House of Assembly in Jamaica in November 1834, relative to the new system?—Yes.

3719. Have you had an opportunity lately of perusing the evidence you gave before that committee?—Yes, I think I have.

3720. Has your opinion as to the probable working of the new system been at all modified since you gave that evidence?—Yes, it has, since I gave that evidence.

3721. You were asked before that committee whether you considered it possible to carry on the manufacture of sugar under existing circumstances, and you stated "Certainly not." Do you now say you consider it impossible to carry on the manufacture of sugar under the apprentices?—No; the apprentices at that time refused to give their labour.

3722. By existing circumstances, I do not mean the system of apprenticeship, but the system of apprenticeship connected with a general refusal to work for wages which you believed then to exist, with the feeling in your parish of the growing disposition on the part of negroes to work for wages, and with the fact that on the properties under your management, they did work sugar for wages, do you think it possible to carry on the manufacture of sugar with a profit to the proprietor?—During apprenticeship they may on a small scale, but not to the same extent as was formerly done.

3723. But with a profit to the proprietor so as to keep the estate in cultivation?—If produce keeps up at the present prices they may, but not if produce were to fall to the price it was 10 or 15 years ago.

3724. Do you, in point of fact, believe that the manufacture of sugar has been carried on profitably by the proprietors of estates in Jamaica since the apprenticeship system has been in force?—I know it to be the case in my own concern.

3725. Mr. *O'Connell.*] But your impression was so strong at that time that I think I have read in your evidence that you said you would not ask the negroes to work for wages?—Yes; I said so in my evidence; such was their disposition not to work on many properties, that I had not even proposed to them to work for wages. I thought the better way was to allow the thing to go on for a little time, so that we might have an opportunity of giving the things more consideration.

3726. Sir *George Grey.*] But you felt at that time the strong apprehension to which you have adverted in a previous part of your evidence to-day?—Yes.

3727. Mr. *O'Connell.*] Now is it your opinion that sugar plantations have increased or decreased in value since the 1st of August 1834; are they, in your judgment, more valuable or less?—I am not aware that they are saleable at all. I am not aware of any estates that have been sold.

3728. Can you form no estimate, in your own judgment, whether they are now more valuable to be worked than they were in 1834?—Estates that I have valued for 70,000*l.* and 80,000*l.*, if they were offered to me now, I would not give 5,000*l.* for them; but others might, people who were disposed to speculate; that is merely my feeling.

3729. Sir *George Grey.*] How long ago is that valuation of which you have spoken?—A good many years ago.

3730. Long before the termination of slavery?—Yes.

3731. During the latter years of slavery?—Before apprenticeships were dreamed of.

3732. *Chairman.*] Were estates in Jamaica saleable during the few years that immediately preceded emancipation?—I do not think so; there may have been some estates sold.

3733. Mr. *O'Connell.*] But it was not a general article of sale?—No.

3734. Mr. *Gladstone.*] Were they as unsaleable then as now?—I think some time before the apprenticeships, quite so.

3735. What do you ascribe that to?—It was very doubtful, with the most experienced people, that the system would work.

3736. But we understood from you, that for some time before apprenticeship was in contemplation, estates were as unsaleable as they are at present in Jamaica, was that the case?—I am not speaking of years when I say before, I mean just before the apprenticeship commenced.

3737. When was the rebellion?—In 1831.

3738. During the years from 1825 to 1830, was property as unsaleable in Jamaica as it has been since the apprenticeship?—There is no doubt that the rebellion caused a great damp.

3739. Mr. *O'Connell.*] But previously to the rebellion, were not estates very hard to be sold in Jamaica?—They were.

3740. For ten years before?—Yes.

3741. Do you know Dean's Valley, in Westmoreland county?—I had the management of Dean's Valley, and sold it.

3742. Lately?—Not very long ago.

3743. Are you aware it has been lately sold to a Mr. Thomas M'Neil, or Dean's Valley Dry Works, in Westmoreland; do you know that?—Yes, I know the situation of it.

3744. Have you heard it has been lately sold for a large price?—No, I have not. I heard that Dean's Valley Water-works were sold, but not the dry works. It may have been sold too for any thing I know; but since I have come to England, I have heard that Dean's Valley Water-works has been sold to a Mr. James.

3745. Sir *G. Grey.*] Do not you think there is a greater degree of security felt both for person and property in Jamaica now, than between the rebellion in 1831 and the beginning of the apprenticeships in 1834?—People are not so much alarmed now, I really believe, as they were at that time.

3746. They look on the present system as one of greater stability?—They look on the present system, that it will work without any disturbance in the country. That is my own opinion.

3747. Is there a greater disposition for the investment of capital in Jamaica now than there was previously to emancipation, taking the few last years of emancipation?—I am not aware of that.

3748. Mr. *Gladstone.*] Have you heard of any case of the investment of capital in Jamaica since the apprenticeship began?—The only case that I know of is an estate in the parish of Trelawney, which I valued about two months ago in London, that one brother sold to the other.

3749. And do you consider that a mere commercial transaction, or was it connected with any private circumstances which rendered it peculiar?—No, the father died; and I understood he desired, by his will, that his property should be sold, and the money divided among his family, and it was necessary to sell this property.

3750. Sir *George Grey.*] But I suppose there is reasonable time allowed for the sale of it, as there is in most of such cases; it is not necessary to sell it now, if the sale will be disadvantageous at the present moment?—They were very anxious to close the concern, and it was considered necessary to sell it.

3751. Mr. *Gladstone.*] At what rate did you value the property; how many years' purchase?

3752. Mr. *O'Connell.*] Give us the particulars of your calculation?—About 6,000*l.* was given for the property; and I think I once valued it, but that was a long time ago; I need not mention the sum I valued it at a long time ago.

3753. Yes, you may mention it?—I think I valued it at 60,000*l.* currency.

3754. Sir *George Grey.*] How long ago is that?—Upwards of 20 years.

3755. Was it bought at that 60,000*l.*?—I think it was.

3756. Mr. *O'Connell.*] Are you certain?—I am not exactly certain as to the exact sum; but I know my valuation was sent home, and the person about purchasing it purchased the property.

3757. Sir *George Grey.*] Was there any debt upon it at that time when you valued it at 60,000*l.*?—I suppose there was a debt upon it.

3758. When you valued it at 60,000*l.*?—Yes; but as a stranger called in to put a value on the property, I had nothing to do with that.

3759. Mr. *O'Connell.*] How long ago is it since 6,000*l.* was given for it?—About two months ago.

3760. Mr. *Gladstone.*] How many hogsheads of sugar did it produce last year?

M. W. Miller.

12 July 1836.

year?—I think it produced last year about 120 hogsheads, but I cannot speak positively.

3761. Is it likely to produce as many in the present and future years of the apprenticeships?—If the system continues to work well, it ought to produce as much; and if the seasons are favourable, it is a sea-side estate, and it depends altogether on the seasons.

3762. And with those facts in view, and also with your anticipations, whatever they may be, as to the probability of prices keeping up, you thought 6,000*l.* a proper value to put upon it?—Yes; 6,000*l.* was the value I placed on the freehold and buildings, the stock and the present crop I valued at 2,800*l.*, making a total of 8,800*l.*; there was another gentleman called in, who valued with me, and we were both of the same opinion.

3763. Sir *George Grey.*] Do you conceive, say 8,800*l.*, would have been the full value of that estate in the year 1832, as much as could have been got for it in the market?—I do not know what could have been got for it in the market in the year 1832.

3764. But do you conceive the depreciation you have spoken of of West India property took place previously to the year 1833, when the Emancipation Bill passed, or do you mean to imply it was in consequence of that Bill passing?—Slavery had not been abolished then.

3765. I understand you to say there has been a great depreciation in the value of Jamaica estates since a period of 20 years ago, when they were worth a great deal, did that depreciation take place previously to the year 1833, or subsequently?—I think the depreciation commenced the moment the mother country (England) began to interefere with the colonies.

3766. Do you mean to refer back to the period of the slave trade debates?—No.

3767. Then, what interference with the colonies do you mean on the part of the mother country, when will you date the commencement of that interference?—I should date the principal commencement of it when the apprenticeship was proposed or taken into consideration.

3768. In 1833; give me the year in which you conceived that interference took place?—If 1833 is the year, that is the time.

3769. Previously to 1833, would that estate, of which you have just spoken, have been valued at 60,000*l.*, with any chance of getting the money?—Certainly not, estates have not been of the same value.

3770. Then previously to 1833, at which period you date the interference of the mother country with the colonies, had not a very great depreciation taken place in West India property, so as to produce almost ruin to many persons engaged in the West India trade?—There is no doubt that that was the case, the price of produce was so low that the estates produced very little, and of course that effected the price: on referring to my memorandums, I find the depreciation of West India property commenced in 1823.

3771. I want to know whether since the year 1833, when that Bill passed, the depreciation of West India property has gone on in the same progressive ratio in which it was increasing previously to that period?—I cannot say, because I do not know any estate that has been sold but the one I mentioned.

3772. Have there been many estates offered for sale during that period?—Yes, I believe so.

3773. Without the possibility of finding purchasers?—That I am not aware of; I am not aware that any estate I was concerned for has been in the market.

3774. Are you aware that any estate has been let on lease since the Emancipation Bill passed?—I have heard so.

3775. At what you would consider a fair rental?—Yes.

3776. For what period have these leases been granted?—I do not know.

3777. But have they been from year to year, or for a term of years?—Upon my word I do not know upon what terms, I merely heard that one or two estates have been leased since I left the country.

3778. Had you any personal knowledge of those estates which you heard had been leased since you left the country?—One of them I had.

3779. Do you think they might have easily found tenants for those estates previously to 1833?—Yes, I think they might as readily have found tenants for them then as now, if they had been offered.

3780. Then you do not think any increased facilities have occurred by the alteration of the system in letting estates in Jamaica?—I suppose the reason that gentleman let his estate was, he was fearful he would not get the sum he had been accustomed to get, and therefore he was anxious to lease it; but I merely give that as my opinion.

3781. But can you give no opinion as to the comparative facility of obtaining tenants of estates now and for years previously to 1833?—Estates were not offered let in those days, to my knowledge, but if they had been offered I do not doubt they would have found tenants for them, if the terms were such as a man could afford to pay.

3782. But upon as good terms as they would obtain tenants for them now?—I should think so.

3783. Mr. *Gladstone.*] You said you anticipated the cultivation of sugar would be carried on on a small scale during the apprenticeship?—On a smaller scale than it has hitherto been.

3784. Mr. *O'Connell.*] When you speak of 1833, you allude to Mr. Stanley, now Lord Stanley's Bill, the bringing in of that Bill?—Yes.

3785. Now that estate that you valued at 8,800*l.*, were there any particular disadvantages belonging to that estate; did you value it from your general knowledge of the depreciation of Jamaica property generally, or does it labour under any particular disadvantages?—No, it does not labour under any particular disadvantages; they have got very good provision ground and very good works.

3786. Sir *George Grey.*] You did not value it merely as a family arrangement, but you fixed a price which you thought would have been a fair price if it had been put up to auction between strangers?—The compensation money had been disposed of, therefore had the person who purchased the property received the compensation our valuation would have been perhaps different, at all events it would as to the amount of the compensation.

3787. Then the compensation money had been disposed of on that estate?—Yes.

3788. When you valued it at 60,000*l.*, did that valuation include all the slaves upon it?—Yes.

3789. *Chairman.*] Do you happen to know what was the amount of compensation money upon this estate?—No.

3790. Mr. *Gladstone.*] How many people were there on the estate?—I should think about 240. I have since ascertained there are upwards of 240 apprentices.

3791. The compensation then would be about 4,800*l.*?—Yes.

3792. Mr. *O'Connell.*] Do you recollect how many negroes there were upon it when you valued it at 60,000*l.*?—I really do not; it is a number of years ago.

3793. In the 6,000*l.*, did you make allowance for the value of the apprentices; were the apprentices to go over to the purchaser?—Yes.

3794. Mr. *Gladstone.*] At how many years' purchase did you calculate it in your valuation?—I did not go into any calculation; it was one brother disposing of the estate to another brother; and it was left to two gentlemen to say what ought to be given for the property.

3795. Mr. *O'Connell.*] Then you did not value it as between strangers at all: it was a family arrangement?—We considered that 6,000*l.* stock, and the present crop, the latter now on its way to England, 2,800*l.*—8,800*l.* sterling—was a fair price for the freehold works, and the labour of the apprentices.

3796. Mr. *Gladstone.*] But in fixing the price, I suppose you looked to the probable returns of the estate?—Yes.

3797. And you inferred what the probable returns would be, in some measure, from the past returns?—I think I did take that into consideration, and I took also into consideration the contingencies.

3798. Did you in fact fix the price of 6,000*l.* on the supposition that that value, if not quite, would be realized during the period of the apprenticeships?—Yes, during the time of the apprenticeships; that was the feeling both of the other gentleman and myself.

3799. Mr. *O'Connell.*] Then you did not value the reversion after the apprenticeships as worth any thing?—We did not give that much consideration.

Mr. *W. Miller.*

12 July 1836.

3800. Sir *George Grey.*] And you did not take into consideration any debt that there might be upon it at the time?—I am not aware of any.

3801. You valued it irrespective of any possible charge upon it?—Yes; it is subject to dry weather.

3802. Mr. *O'Connell.*] Can you form any estimate as to what would have been the value of it if slavery had not been abolished?—No, I cannot.

3803. Can you form any estimate of what you would have valued it as between strangers?—I think the same money. I mentioned that the transaction was between two brothers; the one brother named one person and the other the other.

3804. Sir *George Grey.*] The two brothers were joint legatees of the father's property or devisees, is not that the case?—Yes, I believe so.

3805. And in the division of the property one brother agreed to take this estate at 6,000*l.*?—I believe there were other children.

3806. But was the estate actually sold to a stranger for that money, or taken by a member of the family at the value of 6,000*l.*, he being debited with the 6,000*l.* on account of the father's estate, and his brothers and sisters being entitled to an equal share?—I understood the brother that purchased the estate said he would not like the estate to go out of the family, and that if he could get it at a fair valuation he would take it.

3807. Then, in fact, he took it as 6,000*l.* of the father's property; present crop and stock 2,800*l.*; making 8,800*l.*; he being entitled to share equally with his brothers and sisters?—I do not know the nature of the father's will, and therefore I cannot say.

3808. Mr. *O'Connell.*] Do you remember the name of the estate?—Yes.

3809. What is it?—Hermoney Hall.

3810. In what parish?—The parish of Trelawney.

3811. Did you sign the petition to Lord Sligo from Trelawney in May 1835?—There was a memorial sent to Lord Sligo.

3812. You signed that?—Of course I would sign it as chairmain.

3813. Mr. *Gladstone.*] Did you consider yourself as pledging your own individual opinions in signing it?—Not at all; I was requested, as the custos or the chief magistrate of the parish, to call a meeting, and I attended that meeting and gave my opinion.

3814. Officially?—Yes; but I wrote Lord Sligo the moment that the requisition was served on me, to let him know the nature of the meeting.

3815. In point of fact, did you concur in all the opinions expressed in the document which you signed as custos?—I do not recollect now exactly what opinions were expressed in the document.

3816. Mr. *O'Connell.*] Do you recollect whether you dissented generally or agreed generally with the statements?—I think I agreed generally; because on the occasion I stated what I had observed in a tour I had made of a great part of the island, the last visit I paid to my concerns, and I was rather particular, as I was coming to England, in taking notes of the state of cultivation of different parishes.

3817. Have you not changed your opinion a good deal since?—I have had occasion to do so since I have come home; I have understood the system is working better.

3818. Sir *George Grey.*] At the period at which that meeting was held the apprehensions to which you have adverted had not been dispelled to the extent they have since?—No; it had not at that time worked so well.

3819. You think the subsequent experience of the working of apprenticeships has tended, both on the part of the managers of the properties and of the apprentices, to produce a better understanding, and consequently to ensure a better system of working?—I certainly think so.

3820. Mr. *O'Connell.*] Do you know any person of the negro unmixed race that has received a finished education, that is, what you would call well educated?—No, I am not aware of any negro being well educated.

3821. *Chairman.*] I believe it is the custom in Jamaica to commit apprentices to workhouses as a means of punishment?—The special magistrates do so.

3822. Have you had any opportunity of observing the manner in which those negroes are treated when they are in the workhouses?—Yes, I have.

3823. You are probably aware that it has been alleged that female negro apprentices have been subjected to flogging in the workhouses?—I have heard so since

Mr. *W. Miller.*

12 July 1836.

since I returned to England; I was not aware of it myself; I know of no instance of it when I was in Jamaica.

3824. Were you in the habit of frequently inspecting the workhouses and observing personally the system which was pursued in them?—Yes.

3825. More than one workhouse?—Only one, the workhouse of the parish of Trelawney.

3826. Are you able positively to state that the practice I have adverted to could not have taken place, or did not take place in the workhouse in the parish of Trelawney?—I do not know any instance of it.

3827. Do you conceive that if such a practice did take place it would be decidedly illegal?—No doubt of it.

3828. Mr. *O'Connell.*] Was there any complaint made of such practice at all prevailing in the parish of Trelawney in the workhouse?—I understand, after I left the parish, that there was.

3829. Sir *George Grey.*] Do you mean it would have been illegal to punish a female apprentice by flogging her while in the workhouse, or illegal to punish any female?—It would have been illegal to punish her by flogging in any way, whether a prisoner or not.

3830. Would the female apprentice, distinguishing between a female apprentice and a free woman, be subject in the workhouse to all the regulations that all other persons in that workhouse were subject to?—They were accomodated (I mean apprentices) I believe, in the same ward, and they received the same kind of food, of course, and they were punished agreeably to the sentence of the special magistrate, whatever it was.

3831. But would the commitment of a female apprentice to the workhouse for a given time to hard labour subject her to the regulations which affected all the female prisoners?—Yes.

3832. Were the regulations in writing?—Yes.

3833. Did those regulations sanction the punishment of any female in that workhouse by flogging, either as a distinct punishment or as a means of compelling them to labour on the tread mill?—Certainly not.

3834. Did you visit the workhouse of Trelawney officially as a magistrate?—Yes.

3835. Is there any record kept of the punishments which might be inspected?—Yes; which was regularly presented to the quarter sessions.

3836. And did you ever know an instance, during the period you were one of the visiting magistrates, which occurred?—No instance came under my knowledge.

3837. Of a female being punished?—No.

3838. Were the regulations which affected the discipline of that workhouse changed after the Emancipation Act came into operation, or did they remain the same as they had been during slavery?—I think it was one of the first acts of Lord Sligo to insist on the regulations being inserted in the workhouse books of each parish or house of correction.

3839. To what effect; how did that regulation of Lord Sligo, inserted in the workhouse books, differ from the regulations which had previously been in force in order to maintain the discipline of the workhouses?—Before the commencement of the apprenticeships.

3840. I understood you to say, Lord Sligo, from the commencement of the apprenticeships, insisted upon that regulation?—Apprenticeships had commenced before Lord Sligo came.

3841. It was one of the first acts of his government?—Yes, he recommended it strongly.

3842. And was that recommendation attended to?—Yes, it was, as far as related to the parish of Trelawney.

3843. Now previously to that regulation which Lord Sligo recommended, and which was adopted on his recommendation, was it legal, in the workhouse of Trelawney, to punish females by flogging, or to compel them to labour on the tread-mill by flogging?—Certainly not, never since the commencement of apprenticeships.

3844. Then so far as this point of the punishment of females by flogging in workhouses goes, it had not been legal before the apprenticeship system began any more than it was afterwards?—Females were subject to be punished during

Mr. *W. Miller.*

12 July 1836.

the time they were slaves, but not from the commencement of the apprenticeships.

3845. Was it the custom to commit female slaves to the workhouse of Trelawney as a punishment?—Yes.

3846. When so committed as slaves, were they subject to the same regulations as to discipline, with other female offenders in the workhouse, who were free women?—No, free women could not be put in the penal gang; free women were merely sent there for confinement.

3847. Free women were not sentenced to hard labour?—No.

3848. At the present time, are free women liable to be sentenced to hard labour, as well as apprentices, in the workhouse of Trelawney?—No, I never saw a free woman punished.

3849. On the tread-mill?—No.

3850. Mr. *O'Connell.*] What was the name of the supervisor of the Trelawney workhouse?—When I left the island, his name was Slowly.

3851. Have you heard that that man was convicted of flogging a female?—I have heard so, in fact I saw it in the newspaper.

3852. Sir *George Grey.*] Do you mean by convicted, that he was legally convicted by a court of law?—Yes, I think I saw his trial in one of the newspapers.

3853. That would decide the illegality of the act?—Yes.

3854. Mr. *Gladstone.*] Do you consider the act was illegal under the abolition law?—I should think so.

3855. I mean, have you any other ground for supposing the act to be illegal, independent of this conviction; have you any other ground for supposing the act to be illegal than the existence of the abolition law?—That is the only thing that guides me.

3856. I believe the man who was convicted, was convicted for inflicting punishment by the lash, of his own authority; do you think he would have been convicted if he had done it under an order from a magistrate, or do you think a magistrate, giving such an order, would have acted in conformity with law?—I think if the local magistrate had given such an order, he would have been equally guilty with the man.

3857. Mr. *O'Connell.*] Are you apprized of the Gaol Act, which passed in July 1834?—I believe a Gaol Act did pass then.

3858. You were in the council at the time; by that Act, the magistrate was authorized to flog a female in close confinement for any time not exceeding one month, or by personal correction, as in the case of prisoners convicted of felony, and sentenced to hard labour?—

3859. Sir *Stratford Canning.*] Does your answer apply to the use of the lash as a stimulant to keep up the labour of the tread-mill, as well as for absolute punishment?—Yes.

3860. *Chairman.*] What is it, in your opinion, that renders it illegal for the supervisor of a workhouse to compel a female apprentice committed to hard labour, to work on the tread-mill, by having recourse to personal correction?—If there is any clause in the Gaol Act, I am not aware of it; I must have forgotten it; I was not aware that there was any clause of the sort.

3861. Mr. *Gladstone.*] Have you heard of any case since the apprenticeships have been in existence, in which continuous labour for a long period has been exacted from the negroes?—Not without his own consent.

3862. Do you believe that any such case has existed?—I am not aware of it.

3863. Are you aware that, under the law as it stands, there is no literal prohibition against working a negro for 45 hours in one week continuously, or have you ever heard that such is the construction put upon the law?—No, I have never heard so; and never heard it was attempted.

3864. But you are aware that the law does not allow it to be done?—Certainly.

3865. The distribution of the 45 hours among the several days of the week, but merely enacts that the negro shall give to his master 45 hours of his time?—Forty-five during crop, and forty and a half out of crop.

3866. You are not aware that any specific distribution, as regards the days, is laid down?—No, I am not sure whether there is any clause in the law to that effect.

3867. Have you ever heard of any case in which more than nine hours a day

was

was exacted from the negro; that is to say, in which he gave more than nine hours a day otherwise than of his own free-will?—I am not aware of any case of the kind.

3868. Do you think it likely, if such a case as working the negro continuously for 24 hours against his will, or for a greater period, that if such a case had existed, it would have been heard of, and there would have been a great uproar in the island about it?—I think the negroes understand the law sufficiently, that if that had been the case, they would have complained to a magistrate, who would have taken notice of it.

3869. Do you think a case of 45 hours continuous forced employment would have attracted a great deal of attention?—I think so, and I think it would have met with the opprobium of most people.

3870. Do you think the party would have been punished for the cruelty under the abolition law by a special magistrate?—If the law were sufficient to do so, I think it is very probable that would have been the case.

3871. You are aware the law enables the special magistrate to punish cases of cruelty, should you, in your mind, consider such an exaction of labour from the negro amounted to an act of cruelty?—I certainly should think it would.

3872. But you have no reason, directly or indirectly, to believe that any such case has occurred?—I have no knowledge of any such case; I was only ten months in the country after the Act.

3873. But is your knowledge of the island of Jamaica and the habits of the community residing there, and the practice pursued in the cultivation of estates, such as to induce you to believe that the occurrence of such a case is extremely improbable?—I think it could not have passed without being noticed.

3874. Do you think it would cause very great discontent among the negroes, and prove a serious impediment to their entering into any contracts to do labour for wages over and above their stipulated time?—I think it would have that effect when it took place.

3875. Sir *George Grey.*] Do you think that system could be adopted on an estate beneficial to the proprietor?—Certainly not.

3876. Mr. *Gladstone.*] What would you say was the average distance of the markets from the provision grounds, where the negroes raise their commodities? It is very difficult to answer that question, because there is a difference in every parish.

3877. What is the greatest distance you have ever known?—The parish of Trelawney I speak of.

3878. What is the greatest distance you have ever known in any parish?—I should think 10 or 12 miles; perhaps more in other parishes.

3879. Now cannot you give an idea of the common distance; does the distance commonly amount to as much as that?—I can speak to the parish of Trelawney; I think there are six market places in the parish, and, on an average, I suppose the market is not more than five or six miles.

3880. And was the parish of Trelawney better provided in that respect than the generality of parishes, do you think?—There are more villages in it, that perhaps is the reason.

3881. Are you aware of any case in which wages agreed to be given to the negro have been withheld from him, and in which complaints have been made to the special magistrate on that score?—Yes, I think I have heard of one or two instances of the people in Falmouth, that is the principal town in Trelawney, complaining to the special magistrate.

3882. Are you aware whether the special magistrate has in such cases awarded the wages to be paid to the negroes?—Yes, I know that he has, because he consulted me on the occasion; and I know he has made the negro pay the wages when the negro happened to owe wages to the master, and made the master pay also the other way.

3883. How could the negro owe wages to the master?—It is not an uncommon thing for a master to hire a negro out, and he produces so much, which they call wages, so much wages a week he is to pay so much.

3884. Who was the magistrate of Falmouth at the time?—I think it was Mr. Davis.

3885. Then it is within your knowledge, is it, from his having consulted you on the subject, that he has awarded to the negro wages withheld from him and due for the performance of labour?—I think it was Mr. Davis.

Mr. *W. Miller.*

12 July 1836.

3886. At all events you are certain of the fact?—Yes, I know that the negro complained to Mr. Davis; I think it was his mistress owed him so much for wages, and he desired the mistress to pay the money.

3887. He entertained the complaint?—He heard his story, and I believe her's, and he ordered the money to be paid; and I believe it was paid.

3888. Mr. *O'Connell.*] Do you know any jurisdiction he had to enforce the payment?—I think there is a clause in the law that provides for it.

3889. Mr. *Gladstone.*] Did he inflict any fine as well as ordering the wages to be paid?—I am not aware that he did.

3890. Mr. *O'Connell.*] Did you ever know, during slavery, negroes compelled to work 24 hours continuously?—During slavery they came in to work for 24 hours; they were not relieved from their spell until the expiration of the 24 hours, that was the mode in which it was done; but they had double spells, and while one spell is at work the other is at rest; but still they were at hand, if they had been required, and the planter very seldom interfered with their arrangement in that way, as long as the work went on, and the quantity of produce was made; he allowed them to make that arrangement among themselves; they were better pleased with that arrangement than when it was made by the overseer or by the attorney.

3891. Sir *George Grey.*] Had not the master at that time the right to the whole time of the slave during the week?—He had a right to the whole of his labour of course.

3892. And he has only a right to a limited portion of that period now?—Only a right to a limited portion.

3893. Therefore, does the same motive exist now for employing the negro for a long time continuously, which did exist before, when he had the right to his whole time?—No.

3894. As he has only a right to a limited portion, is he not likely to get more work done by a fair and reasonable distribution of his time, than by an unreasonable one; supposing the master to require 45 hours' labour to be performed consecutively, is he likely to get as much work done by working a negro 45 hours, as he would by a fair distribution of that period over the week?—Certainly not.

3895. Because he had no claim on his time during the remaining portion of the week?—No.

3896. Mr. *Gladstone.*] Did your confidential communication with Lord Sligo continue up to the period of your leaving the island?—Yes; I think I wrote him two or three days before I embarked.

3897. And you stood in the same relation towards him as you had previously done?—I do not know anything to the contrary.

3898. Let me put into your hand a letter, which is in page 99 of the first part of the papers relating to Jamaica, and ask you whether it was written by you—[*handing it to the witness*] perhaps you will read it, and just state the circumstances?—This is only part of the letter; I have got a copy of the original, if you will permit me to put it in.

3899. *Chairman.*] The original is much longer?—Yes, it is longer than that.

[*The Witness read the letter, a copy of which is as follows:*]

"26th July, 1834. Sir,—The change in the condition of our labouring population, which is now so near, will render great care and circumspection in your conduct necessary; you should constantly bear in mind that they will then be free, and entitled to the protection of the same laws as you are, as well as to the enactments made here relating to them. The exercise of a great degree of prudence and moderation will be necessary on your part; they cannot be expected to be acquainted with the laws, and should they transgress them, it will be your duty to point out their faults to them, coolly and dispassionately, and not to appeal too hastily to the special magistrates, nor until you have ascertained that the error proceeds from wilfulness, and not from mistake. The change is great and unprecedented, and some misapprehension may be expected to arise on their part. It will be highly creditable to you, if you can bring the new system into successful operation without an appeal to the special magistrates; an appeal from them to the magistrates against you, in which you were found guilty at such a critical period, would give me great concern, and you would incur my most serious displeasure. I wish to effect the change as easily and with as little alteration as possible; you will therefore continue the usual

Mr. *W. Miller.*

12 July 1836.

usual allowances and indulgences until cloth is served, when these matters might be better regulated. Adhere strictly to the abolition law, as to the hours of labour; make a signal, either by shell or bell, in sufficient time before the hour appointed for the commencement of labour, to enable the apprentices to be at work by that time, in order that no part of the nine hours' labour may be lost. The hour to begin work is sunrise, and you can regulate your watch by referring to an almanack, or several of the newspapers; the nine hours' labour must terminate at sunset; arrange with the negroes the hours of meals and rest. On Fridays they are to cease work after four and a half hours' labour. It is probable some difficulty may arise in obtaining watchmen; there is no law to oblige them to act as such during the night, or on Sundays. If an arrangement cannot be made with them to be entirely responsible that no injury is done to the cane field (or wherever they may undertake to watch) at all hours, an agreement by way of hire must be made with them, not to exceed 1*s.* 3*d.* for a night's or for a day's work. In providing for stock, the days they work must be returned to them according to the present system. Foddering the pens may be dispensed with on Sundays, out of crop. During the 1st of August, and two subsequent days, the close may be kept in a close pasture, or otherwise regulated, as has been usual during the Christmas holydays. I am your obedient servant."

3900. You state in that letter to the overseers that you wish the allowances to be continued until a certain period?—No alteration has been made in the allowances.

3901. But new arrangements might be made?—If it were considered necessary.

3902. In point of fact, however, you continued the allowances up to the time when you left the colony, and made no alteration, is that the case?—Yes.

3903. Sir *George Grey.*] And did that period of the supply of annual clothing occur before you left the colony?—Yes.

3904. Mr. *O'Connell.*] The object in summoning them before the hour of labour came was that they might have come from their habitations to the place before the commencement of the nine hours?—It was supposed that the planter was entitled to nine hours' work.

3905. Exclusive of the negro's journey from his sleeping place to the place of labour?—Yes.

3906. Do you know whether any females are obliged to work in chains in the workhouse?—I believe so, they are called penal gangs.

3907. And that since they became apprentices as well as before?—It was the case before.

3908. And since?—And since.

3909. *Chairman.*] What is the object, do you suppose, of putting chains on females in the workhouse, is it to prevent escape, or as a means of punishment, or what is the object?—To prevent escape; they are frequently employed on the roads; there is only one or two people to look after them; it is to prevent escape, I believe.

3910. Sir *George Grey.*] Do you mean that they actually wear chains in the workhouse, or being sentenced, they wear chains when working on the roads?—They are sentenced to be put in chains.

3911. Do you mean that they wear chains in the workhouse, where there is no opportunity of escaping, or do you mean that they only wear them when they go out to work?—They wear chains in the workhouse; they are not taken off.

3912. Sir *Stratford Canning.*] Do they wear them by night as well as by day?—I believe they do.

3913. Sir *George Grey.*] Is there any motive for their wearing chains for the purpose of security when they are within the walls of the workhouse?—No, I should think that was not necessary.

3914. What is the weight of the chains, do they vary?—No, they do not vary; they are light chains.

3915. What species of chains are they?—Small link chains.

3916. Fixed to where?—Fixed to a collar round the neck.

3917. There is a collar round the neck and a chain from the collar to where?—It hangs down.

3918. To where—where is it fastened to—what part of the body is the other end fastened to?—They put it round their body.

3919. Is it fixed to either their hands or their feet?—Oh no, it is not fixed to either their hands or their feet, it is fixed round the neck, and when they go out there are two and two put together.

3920. Mr. *Gladstone.*] Does it confine the motion of the body at all?—No.

3921. Sir *Stratford Canning.*] Then how is it supposed to prevent their escape?—It is when they are out at work, they are linked two and two.

3922. Mr. *Gladstone.*] Have you had occasion to see the effects of instruction on the negro properties with which you have been acquainted?—On several properties they have the benefit of instruction.

3923. Sir *George Grey.*] Are the persons who compose these penal gangs sentenced to them originally by the magistrate who commits them, or are they liable to be placed with the penal gang by order of the supervisor of the workhouse for misconduct in the workhouse?—The supervisor has nothing to do with it, further than that of taking care of them; they are sentenced by the special magistrate, and he is accountable for the custody of them.

3924. In the case of apprentices?—Yes, in the case of apprentices.

3925. Has the local magistrate the power of sentencing other persons not apprentices to this penal gang?—No.

3926. Then no female can be sentenced to that penal gang except by order of a special magistrate?—Certainly not.

3927. Can a male be sentenced to the penal gang except by order of a special magistrate?—No negro can be punished in any way except by order of the special magistrate.

3928. But I suppose there are persons not male apprentices in these workhouses?—There are people who are taken up on suspicion and cannot account for themselves travelling about the country, but no free people are put in.

3929. Are there no free persons in Jamaica liable to commitment to the house of correction?—Not without a legal trial.

3930. Not by the sentence of a magistrate?—No.

3931. Then there is no power of summary commitment to the house of correction by order of a magistrate?—A magistrate may commit a person brought before him on any charge for safe custody; but he cannot pass sentence on him.

3932. Supposing there were any courts of criminal jurisdiction in Jamaica that could pass sentence of imprisonment with hard labour on a free person in Jamaica, would he then, under that sentence, go to the same house of correction to which the apprentice would go by order of a special magistrate?—If the sentence of the judge was that he was to go there, he would go there.

3933. In point of fact, is imprisonment with hard labour a punishment imposed by law in Jamaica on free persons?—I believe it is the same, as far as relates to that, as it is as to free people here.

3934. In point of fact, I want to know whether in the workhouses in Jamaica, take the workhouse of Trelawney, with which you are acquainted, there were persons there who were not apprentices suffering the punishment of hard labour?—Not to my knowledge; no.

3935. Mr. *O'Connell.*] Did you ever know a free person suffer the punishment of hard labour in that way?—I think I have heard of free people being condemned to hard labour.

3936. Did you ever know any instance of your own knowledge?—There is no instance that I recollect at present that I can give you.

3937. Females are sometimes chained in pairs?—Always when they go out.

3938. Sir *George Grey.*] During the time you were a visiting magistrate of the workhouse at Trelawney, previously to the Emancipation Act coming into force, were the inmates of that workhouse all slaves?—All of them slaves.

3939. Subsequent to that period have they been all of them apprentices?—Yes.

3940. What I mean is, during the time you were a visiting magistrate of the workhouse of Trelawney, were there any persons under sentence in that workhouse who were not slaves; any free persons?—No; the free people are kept in gaol.

3941. Is the gaol a distinct place from the workhouse?—Yes; it is the adjoining building.

3942. In that gaol were they liable to hard labour, or merely there for safe custody?—I do not recollect ever seeing a free person there that was sentenced to hard labour.

3943. Does the gaol still subsist as distinct from the workhouse?—Yes.

3944. Are the apprentices sent to the workhouse and the free persons sent to gaol?—Yes.

3945. Then what I want to know is this; whether supposing a special magistrate to sentence an apprentice to hard labour, and the court of criminal jurisdiction in Jamaica sentence a free person to hard labour, they would go to a different place of confinement or the same?—No; one would go to the gaol and the other to the workhouse.

3946. *Chairman.*] Upon the estates which were under your management, were there many instances of complaints on the part of the negroes against the overseers?—There were sometimes.

3947. On the other hand, had the overseers frequent occasion to complain of the negroes to the special magistrate?—Not very often; although I have known complaints; but I believe as little of that in my employ as any; there was not a great deal of it; there were instances of it.

3948. You are not able to state to the Committee the number of complaints that were made?—No.

3949. You have no account of it?—No, I have no account of it.

3950. Sir *Stratford Canning.*] In the penal gang are the sexes kept separate?—Yes, they are kept in separate wards.

3951. But when they are at work?—If they are working on the road they are worked all together.

3952. Did you ever know men and women chained together?—No.

3953. They are kept separate?—Kept separate.

3954. Are the prisons open to the inspection of the special magistrates?—Yes.

3955. At any time they please?—Whenever they please to go, and, in fact, every magistrate is obliged to visit the gaol a certain number of days in the year.

3956. But besides that they can go at any time they please?—Yes.

3957. And the doors of the gaol are open to them, and the workhouses too?—Yes, with instructions to keep nothing from them.

3958. Sir *George Grey.*] The penal gang is a distinct gang from the ordinary prisoners of the workhouse?—The penal gang stop in the workhouse.

3959. I want to know whether the sentence of a special magistrate, of an apprentice to hard labour, involves his being placed in the penal gang, or whether the penal gang is a distinct punishment from ordinary hard labour on the tread-mill?—If a special magistrate sentence an apprentice to the penal gang, he must go to the workhouse, and the tread-mill being in the workhouse, of course he is worked there.

3960. But suppose he does not sentence him to the penal gang, but simply to imprisonment with hard labour, does he of necessity go into the penal gang?—Certainly not; if he orders him to the penal gang he is put in chains.

3961. There must be a distinct sentence to the penal gang before an apprentice can be subject to these chains?—It is an understood thing, that if a special magistrate sentence a negro to the penal gang he is put in chains.

3962. But if the sentence is imprisonment to hard labour, can he then be put into the penal gang, if that is the whole sentence?—Not to put a chain upon him, but he may be secured with the penal gang.

3963. Then the penal gang is a distinct punishment from imprisonment, with hard labour?—It is so; it lays with the special magistrate altogether whether he will place him with the penal gang, or whether he will put him to hard labour or solitary confinement.

3964. Can you tell at all what proportion of the prisoners in the workhouse, when you visited it, were in the penal gang, as compared with those that were not wearing chains?—There was a large proportion in the penal gang.

3965. What proportion?—I should think upwards of two-thirds.

3966. About what was the number of prisoners in the workhouse altogether at that time?—They varied so much that perhaps they were hardly two days the same; some days there were half a dozen people sent in twenty-four hours, but I should say, taking an average, perhaps about thirty.

3967. And what was the population of apprentices which is comprised within the district for which that workhouse was established?—About 25,000.

Martis, 19° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Sir James Graham.
Sir George Grey.	Lord Viscount Sandon.
Mr. Charles Lushington.	Sir Stratford Canning.
Mr. Thornely.	Mr. Buxton.
Mr. William Gladstone.	

MR. LABOUCHERE, IN THE CHAIR.

[*The following Papers were delivered in by Sir George Grey*:—Vide *Appendix*.]

Return of Punishments from the 1st of August 1834 to the 1st of August 1835.

Return of Punishments from the 1st of August 1835 to 31st of March 1836.

Comparative List of Slaves and Apprentices in the Houses of Correction.

Valuation of Apprentices from 1st of August 1834 to 31st of March 1836.

Condition of the Provision Grounds of the Apprentices.

Rate of Wages paid to the Apprentices.

Augustus Hardin Beaumont, Esq., called in; and Examined.

A. H. Beaumont, Esq.

19 July 1836.

3968. *Chairman.*] YOU have been a member of the House of Assembly at Jamaica?—I was so.

3969. How many years did you fill that situation?—Four.

3970. How long have you resided in Jamaica?—Thirty years.

3971. Are you a proprietor of land in Jamaica?—I am.

3972. Were you a proprietor of slaves whilst slavery lasted?—No, I was not; my property consisted of houses in Kingston, and land in different parts of the island.

3973. Have you been a planter?—I was bred a planter.

3974. Were you a proprietor of slaves while you were a planter?—I was not, excepting a few domestics, whom I manumised. It is usual in the West Indies to put the young men of a family to learn to be planters; I learnt the trade, or profession, or whatever else the business is called.

3975. In short, you acted as manager, but you were not yourself a proprietor of a plantation nor of slaves?—I was not what in Jamaica is called a manager; but I lived the greater part of my boyhood with my uncle, who was a proprietor; I resided among the negroes, and knew everything about them as respected their characters, opinions and civilization. I have also lived weeks and months together among my relations and friends, who were proprietors of sugar estates; for instance Oxford estate, which belonged to my cousin.

3976. When did you leave Jamaica?—In May 1835.

3977. Had you been resident on a plantation in the country at any period immediately before the time when you left Jamaica?—I was.

3978. For any length of time together?—For two or three weeks at a time.

3979. Were you then conducting the management of any estate?—I was not.

3980. Were you a member of the Assembly up to the time you left Jamaica?—No I was not; I lost my seat in the House in consequence of having proposed, with the knowledge, and almost at the request of the Governor, the Earl of Belmore, the abolition of female flogging, compulsory manumission, and moving for a committee to consider the best means of meeting the wishes of the British nation by emancipating the slaves on reasonable terms.

3981. When was that?—In 1833.

3982. Mr. *Gladstone.*] What district did you represent?—The parish of Westmoreland.

3983. *Chairman.*] Is that a rural district?—Very much so; it is a parish in which there are a very great number of sugar estates.

3984. Mr. *Gladstone.*] Is there any town in that parish?—There is, Savannah-la-mar.

3985. *Chairman.*] Are you quite satisfied that you lost your election in consequence of having proposed the abolition of female flogging?—Beyond all possibility of doubt.

3986. There were no other complaints made against you by your constituents?—Not the slightest; on the contrary, I was on very good terms with them.

3987. Mr. *Gladstone.*] Did you find that that measure had the effect of turning against you those voters in the town as well as those interested in sugar cultivation?—Not by any means in the same degree.

3988. It was therefore by the change of feeling of the rural voters towards you that you lost your election?—Very much so.

3989. *Chairman.*] At the time you left Jamaica what appeared to you to be the state of things with regard to the working of the apprenticeship system; did it appear to you to be working in a manner from which good results might be expected?—It did not; it appeared to me that good could not result either to the proprietor or to the negro from the continuation of that system, and I will state shortly my reasons for coming to this conclusion. The special magistrates must be from one of two classes; they must either be sent from this country or be chosen in the colony. If they are sent from this country, they are perfectly ignorant of the local customs, and even unacquainted with the *patois* which the negroes speak. In most of the rural districts the negroes do not speak a language that you can understand, and in fact it would be as totally unintelligible to you as the dialect of some parts of Lancashire.

3990. Would the negroes understand pure English?—In some places easily; in others with much difficulty. There is an expression of meaning conveyed in creole parlance generally different from what would be intended by the same words in this country; in fact, the *patois* in the island of Jamaica is very distinct from the language here. The special magistrate imported from Britain is then incompetent to perform his duty, because he cannot understand the suitors in his court; then if the special magistrates are chosen in the colony, the case is about as bad, if not worse; very few men would accept the stipend who are fit to hold the office; the consequence is, that at the present moment I perceive in the list of special magistrates a considerable number of men to whom such enormous powers as are vested in the special magistrates under the statute of emancipation ought not to be entrusted for one minute.

3991. Did it ever occur to you that any remedy could be found to obviate the inconvenience you have described?—I think so. The entire emancipation of the slaves would have effected this object; such a measure was not at all adverse to the feelings of the proprietors themselves in the year 1833 or 1834, because the majority of the House of Assembly (I was not then a member of it, but I was in the constant habit of intercourse with the members and conversing with them), the majority of them were decidedly in favour of complete emancipation, in preference to apprenticeship; but Lord Mulgrave, the then Governor, directed Mr. Panton, I think it was, who was then holding the office of Advocate-General, to inform the members of the House, that if the Act of the British Parliament was not adopted, almost word for word, they would endanger the compensation: the consequence was, that when a division took place in the house, a considerable number of members who at that time had become a minority, from the Governor's interference, and who were for the entire emancipation of the slaves, but not wishing, however, to give any factious opposition to the Government measure, seceded from the house, and the Bill which passed in the island of Jamaica, adopting the British statute, was enacted only by a portion of the house, the rest having quitted it for the evening. I know that the general impression among the planters was, that an entire emancipation would be better. There has been a change in feeling, certainly, since; that is, since they found that the apprenticeship might be turned into slavery.

3992. Then, are you of opinion that it was thought by a majority of the House of Assembly that it would have been better not to have interposed a system of apprenticeship between the state of slavery and a state of freedom?—That was the feeling decidedly at that time all over the island by all classes.

3993. Do you conceive the system of apprenticeship, upon the whole, to have worked as well as could have been expected?—Decidedly it has worked badly, very badly, because the special magistrates are entirely dependent upon the overseers or managers. Society and its relations in Jamaica are very differently

A. H. Beaumont, Esq.

19 July 1836.

constituted from what they are in this country. A special magistrate there is dependent upon the overseer in the vicinity of the property in which he resides for all the comforts, and in many instances for the absolute necessaries of life. If, for instance, a special magistrate is sent for to any estate several miles from the town where the special magistrate resides, on his arrival at the estate where he is to adjudicate between the parties, manager and slave, he is indebted to the overseer, one of these parties, for the refreshment he receives; for there are very few inns in that part of the world; he is indebted to him for corn for his horse (for every man uses his own horse, there being no stage-coaches), and for every comfort he receives; and it is in the power of the overseer to make him excessively uncomfortable. But the fact is, that they do make the special magistrate very comfortable, and to all intents and purposes the special magistrate soon becomes in his feelings and opinions a planter. I have heard overseers say they like the new system well, because under the old system they had the responsibility of flogging; but that it is much better now, "for instead of a black driver," as one of them said, "we have got a white one, and he answers the purpose quite as well." And I do not believe that the quantity of human suffering has decreased, and that I declare most solemnly, by the adoption of the apprenticeship.

3994. Do you mean to state that you do not consider the condition of the negro better under the system of apprenticeship than it was under the system of slavery?—I believe in the estates in the immediate vicinity of large towns, and more directly under the control of Government, their condition is considerably meliorated, but, taking it as a whole, with reference to estates remote from the seat of Government, which are far the greater number, I believe that the condition of the slave is not at all meliorated. I believe the quantity of human suffering to be the same, if not more. For instance, under the clause of the British Act adopted by the Act of the Legislature certain arrangements may be made by proprietors and their agents, with the assent of the majority of the negroes, for hiring their surplus time. The special magistrate is supposed to act as the protector of the negro under this Act, but when a special magistrate becomes perfectly identified, as in most instances is the case, with the planter, and when, as you must observe is frequently the case, they are in the habit of making him presents of pieces of plate, the arrangement must be a very one-sided one, because the negro himself is very ignorant of what his rights are; the special magistrate alone can explain them to him, and if that special magistrate is identified with the planter, then the interests of the negro must be sacrificed, and I believe that to have been the case in almost all the arrangements that I have heard have been made. For instance, when I hear them talk about a penny an hour, it appears to me that that is a very inadequate remuneration to the negro for his time, during the crop, particularly, when it is extremely valuable. I know that during the crop the proprietors of jobbing gangs were in the habit of getting from 6*s.* 8*d.* currency, in some instances, to 10*s.* currency per day, for the labour of their slaves who were sent upon sugar plantations during the period of crop, particularly when they were digging cane-holes, by what is called the job.

3995. Do you conceive the evils that you have attributed to the system of special magistrates to belong necessarily to any scheme of apprenticeship, or that a scheme of apprenticeship could have been devised which would have worked better with regard to the special magistrates?—I do not think that any scheme of apprenticeship could have been devised which would not have been subject to the same objections. Had a system of entire freedom been adopted, the negroes would have instantly come under the protection of the common law of England, which is the common law of Jamaica, and of the Acts of the Jamaica Assembly. Some difficulty has been started, I believe, about a provision for the poor, but that difficulty would not exist in Jamaica, because there is an Act in the island imposing a poor-rate, by which all persons who are free and unable to work are supported; it was an Act passed by the early colonists in the reign of Charles the Second.

3996. Are you therefore of opinion, that as long as the system of apprenticeship is maintained, no remedy to the evils which you attribute to it could be provided by the British Legislature?—I do not think there can; you will observe that the Emancipation Act gives almost despotic power to the special magistrate over the slave. There is only one thing that can check the tyranny of a special magistrate conjoined with that of an overseer, and that would be public opinion; but public opinion in the island of Jamaica is peculiarly adverse to the slave, because no man can defend the

the interests of the slaves there without subjecting himself to entire ruin. Indeed he cannot live in the colony if he does.

A. H. Bennett, Esq.

19 July 1836.

3997. Do you mean to give it as your deliberate opinion to the Committee, that the great majority of the gentlemen who have been appointed special magistrates in Jamaica have betrayed the trust reposed in them, in order to conciliate those little acts of kindness and favour which you represent to have been shown to them by the overseers?—I do; and I believe this, that it is impossible for any man, however pure and virtuous he may be, leaving this country to go to Jamaica and perform the duties of special magistrates there for twelve months, without suffering one of the two things, either becoming to all intents and purposes in his feelings a planter or else quarrelling with the planters.

3998. Sir *G. Grey.*] Your practical experience extended to about nine months of the apprenticeship?—I left in May 1835.

3999. Were you personally acquainted with many of the special magistrates who administered the apprentice law during the first few months of the apprenticeship?—I was.

4000. And the statement you have made, as to the great majority of those special magistrates having betrayed their trust, applies to those magistrates who were then in Jamaica, and with respect to whom you had means of personal observation?—It applies not only to them, but it applies to those subsequent; I form my opinion partly from observation and partly from the correspondence I have had with disinterested parties upon the subject before and since I left Jamaica.

4001. Does that apply equally to those of whom you had personal observation, and to those with respect to whom you received letters since?—Of course, my own knowledge of what I had seen and heard myself would be better evidence, but I believe that since I left the island the conduct of the special magistrates has been worse than it was before.

4002. Have you attentively read the report by the special magistrates to Lord Sligo, transmitted by Lord Sligo to the Government at home, and presented to Parliament in the course of last Session?—I have looked over it.

4003. Do you conceive that the spirit manifested in those reports corresponds with the description you have given of the character of the great mass of the special magistrates?—I know enough of the mode of making up returns in the island of Jamaica to place very little reliance upon any such returns.

4004. Do you believe that those reports of the special magistrates are purposely falsified, to produce a wrong impression of the character and spirit which actuated the writers?—I cannot state the reason which may actuate them, but I have said that I know enough of the mode in which returns are made up in the island of Jamaica to place very little reliance upon any Jamaica returns.

4005. Do you believe that the sentiments expressed, as well as the facts stated in those reports, give a false representation of the spirit which actuated the magistrates, or of the facts which came under their observation?—They may or they may not; but I should place very little belief in them.

4006. Will you state the names of the several special magistrates whom you know to have received pieces of plate from planters during the period you were in Jamaica?—A Lieutenant White, in St. George's, was one; there was another gentleman for the parish of Manchester, I do not recollect his name, and two or three others.

4007. At what period was that?—I do not recollect; I recollect seeing an advertisement in the paper, I think there were three of them; and I saw very recently an advertisement of the same description.

4008. Do you know whether Lieutenant White's piece of plate was presented while he was a special magistrate, or after he had been dismissed for misconduct?—I recollect hearing a proposition to present him with it before he was dismissed, but I believe he did not actually receive it till after.

4009. Do you know whether he was dismissed in the intermediate time?—I believe he was.

4010. Are you able to state the names of any other special magistrates that received pieces of plate?—I think there are five that have received pieces of plate; I am not positive as to the number; there are several, however.

4011. Will you state the particulars on which you found your belief, that five received pieces of plate, so as to enable the Committee further to investigate that statement?—I cannot say whether Mr. M'Cleod received a piece of plate from the

A. H. Beaumont, Esq.

19 July 1836.

parish of Westmoreland; I know it was in contemplation to give him one at the time he was removed from Westmoreland to St. Dorothy's; several received plate or votes of thanks. I do not now recollect their names, but the fact was notorious enough.

4012. In what month was that?—I believe it was some time between August and May; but I do not mean to say any thing disrespectful of Mr. M'Cleod, as I believe him to have been a good magistrate.

4013. Can you state at what period between August and May that present of plate was in contemplation?—I think it was in the later period, when he was transferred from Westmoreland to St. Dorothy's.

4014. Now, with regard to the other three, can you state any particulars which will enable the Committee to obtain further information respecting them?—All I recollect is seeing the statement in a newspaper, that pieces of plate were to be presented, naming at different times several special magistrates; I think there is one for the parish of Manchester; I know there are several to whom it was proposed that these presents should be made.

4015. At what period was it proposed with respect to the magistrate of Manchester?—I think at the same period, but it may have been subsequent to my leaving the island: my recollection being formed from what I saw in the newspaper, I cannot fix the date nor the particular persons who were to receive the plate; the practice of giving plate to favourite special magistrates is not uncommon.

4016. You have been in the habit of getting the Jamaica papers since you left the island?—I have.

4017. Can you favour the Committee with those papers which contain the advertisements of those pieces of plate being presented?—I cannot, because when I have read a Jamaica newspaper, I throw it away.

4018. Can you, upon investigation, furnish the Committee with the dates of the papers which contain the advertisements of the three other?—I did not positively state that there were five; I only know that it was not an uncommon occurence; but when one considers the important duties of special magistrates, it struck me as a curious circumstance, that they should be receiving pieces of plate from one party of the suitors in their courts.

4019. You have stated that you believe it to be a common occurrence?—I believe, in every instance in which a special magistrate has given satisfaction to the planters, something of the kind has been done, either a piece of plate or a vote of thanks.

4020. Upon what is that belief founded; is it founded upon documentary evidence of any kind?—No, it is founded upon the evidence by which I would know of any fact that took place in London.

4021. Is it founded on advertisements in the papers?—Principally upon that.

4022. Can you furnish the Committee with copies of those advertisements?—I have not got them, and to find them would give me more trouble than I should like to take; but if the Committee would direct the clerk to search the Jamaica papers they would probably find it.

4023. Cannot you point out within a month, or a week, the date of the paper?—I cannot.

4024. Do you think you could at any time, between the present day and the day to which this Committee will adjourn, direct the attention of the Committee to the paper in which those advertisements are to be found?—I shall not go over the newspapers to ascertain it, but if the Committee will direct the clerk to do it, I think they will find one of them some time between January in this year and the present time; they are at the Jamaica Coffee-house.

4025. Mr. *Buxton.*] Are the Committee to understand you to say positively that you know of your own knowledge, or from information on which you can rely, that these pieces of plates or votes of thanks have been presented, or is it merely that you have an impression upon your mind that in a number of instances these compliments have been paid?—I know positively of two instances, and I believe of three others.

4026. But you do not speak positively to the other three?—Not to state names and dates.

4027. *Chairman.*] But you have stated that you will not undertake to produce any

any proof to the Committee of those instances?—I have got other avocations to attend to; I cannot go through 700 or 800 newspapers. The fact is so, and will hardly be denied in the colony.

4028. Sir *George Grey.*] Were you correctly understood to state, that the amount of suffering was not at all diminished under the apprenticeship system, compared with what it was under slavery?—I have stated, that upon the estates in the immediate vicinity of the Government there is a considerable change, but in the greater portion of the remote estates there is very little change for the better.

4029. Do you mean that corporal punishment is inflicted to the same extent as it was under the system of slavery?—I believe it is, if not more.

4030. Have you compared any returns of the number of lashes inflicted monthly during the apprenticeship, with a return of the number of lashes inflicted monthly during slavery?—Looking at the character of the greater number of special magistrates, I do not place the slightest reliance upon any return made, and I am ready to name the magistrates and give my reasons.

4031. Upon what is your belief founded, that the number of lashes inflicted now is equal to that inflicted during slavery?—I have always understood so from the negroes themselves.

4032. Then you are now speaking only up to May 1835?—Yes.

4033. Upon what estate had you personal communication with the negroes yourself?—Upon Lord Holland's estate, Sweet River; upon Mr. Bedford's estate, Petersfield, in the parish of Westmoreland; upon Lord Dudley and Ward's estate, Witney, in the parishes of Clarendon and Manchester; and a considerable number of negroes belonging to estates in the parish of St. George's, who are constantly in the habit of coming down to Kingston, to the Governor, to make complaints of the working of the system.

4034. Had you frequent opportunities of communicating with the negroes upon those estates?—Generally about the island, because I was in the habit of travelling about the island.

4035. Upon those estates can you give the names of the special magistrates who administered the law upon them?—I do not mean to say that the negroes upon those estates particularly complained of their managers; on the contrary, the negroes upon Petersfield and Witney expressed themselves very favourably of their managers, but they were speaking of the working of the system generally throughout the country, they thought that it was any thing but freedom.

4036. *Chairman.*] Do you mean that they themselves considered that their condition was not improved by the substitution of the system of apprenticeship for the system of slavery?—They did not think it much improved; they thought their condition pretty nearly the same.

4037. Sir *George Grey.*] With respect to flogging, you have stated that you believe the amount of flogging to be equal during the apprenticeship to what it was under slavery; upon what is that belief founded?—The mode in which I arrive at that impression must be a very vague one, because it was difficult at any time to ascertain the number of lashes given during the time of slavery, but when I have been riding through the country I have spoken to the negroes on the wayside, and I found that the impression upon their mind, and I believe they were speaking the truth, was, that the special magistrate flogged more, in many instances, than had been done before.

4038. Can you name any estate upon which the negroes stated distinctly that that was the case with respect to a special magistrate, under whose jurisdiction they were placed?—I was told it by the negroes of a great many estates in St. George's, who came down to make complaints of the circumstance; they applied to me, and I immediately sent them to the Attorney-General, and he sent them to the Governor.

4039. Can you state the name of a magistrate or of any magistrates who administered the law in this severe way?—Lieutenant White.

4040. Upon what estate?—Upon all the estates of the parish of St. George's.

4041. Are you aware that Lieutenant White was dismissed from the magistracy?—I believe he was, but to the best of my recollection it was not for cruelty. The negroes upon the Hope estate, belonging to the Duke of Buckingham, told me that their condition was anything but improved.

4042. In what respect?—They said that there was a greater degree of coercion; that the special magistrates were, as they expressed themselves, very spiteful.

4043. Did they say that they had not so much time at their own disposal?—

A. H. Beaumont, Esq.

19 July 1836.

They stated that the time was kept surreptitiously, that the clocks were made to answer the purposes of the planters, and when they were supposed to be working eight hours they were sometimes working twelve.

4044. What was the name of the magistrate upon this estate?—He was the special magistrate for the parish of St. Andrew's, but I do not remember his name.

4045. Did you make any representation to the Governor of that fraud by means of the clocks?—I had made so many representations to the Governors upon different occasions, and there was so little attention paid to them, particularly when the planters were hanging men contrary to law, that I thought it useless to make any such application.

4046. Then you heard that special allegation that the clocks were altered so as to deceive the negroes four hours out of the twelve, and yet you made no representation of it to the Governor?—In the case of the St. George's negroes, who made this complaint, I did; I sent them to the proper officer, His Majesty's Attorney-General, whose duty it was to protect them, and I gave the negroes an hour-glass, which they afterwards told me the overseer had taken away and broken. Overseer in Jamaica means chief manager, in other colonies the word means what is called in Jamaica a book-keeper.

4047. Did you write a letter to the Attorney-General stating that fact?—I wrote a letter to the Attorney-General, stating that the negroes had causes of complaint, and he would have arrived at the knowledge of it, as I did, by asking the negroes. They had a great number of other complaints to make.

4048. How far was that estate from the place at which the Attorney-General resided?—About 32 miles by the direct road, but coming as they did to Kingston first, it was about 45 miles.

4049. Who carried the complaint to the Attorney-General?—I sent the negroes themselves.

4050. How many of them went?—About 30.

4051. Did that written communication specify this particular complaint about being defrauded of their time?—I cannot say; I probably left it to the negroes to state particulars.

4052. What time of the year was this?—In April, during the crop of 1835.

4053. Do you believe those complaints as to the time to be well founded?—I do.

4054. Have you ever heard those complaints made in any other estate since the apprenticeship?—I know it was always the practice in the island of Jamaica to crib the negroes' time, and I am satisfied that the Act of Parliament has not changed man's nature; and as I know that they did crib their time before, I believe they continue to do it now.

4055. Then you believe that upon the Hope estate the negroes were deceived to the extent of four hours out of twelve in the working hours?—I will not say the particular amount they were deceived, nor do I instance the Hope in particular, except in stating what the negroes there said, but I believe that the practice is very common.

4056. The question was upon what you found your belief that the practice is common, and you said you founded it upon the allegation on the part of the negroes of the Hope estate; do you believe that allegation made to you by the negroes upon that estate to be correct or not?—Substantially I believe it is; they may have exaggerated the amount of the deception practised upon them, but I do believe that the time is in many instances stolen from them, and I will state why it must be so. You cannot carry on any plantation according to the present system unless the negroes occasionally work 36 hours, at least, continuously, and I will state why. Suppose the spell, as it is called, is changed, which is generally about six or seven in the morning, the negroes on it continue to work either in the manufacture of sugar, or in the field till eight in the evening of the next day, making continuous labour of about 36 hours. If the estate is what is called heavy handed with negroes, the spell, as it is called, will divide themselves into two and alternately rest. If it is an estate that is weak handed they must work the whole of the time; for instance, there must be a great number of green trash carriers, as they are called, that is, women whose business it is to carry the green trash after the cane is ground, to take the trash from the mill and put it upon the trash heap; there are a certain number of young girls whose duty it is to be the dry trash carriers, that is, to carry the dry cane trash which forms fuel. Another number must be stokers or fire makers, another number must be attendants upon the mill, and if it is a mule mill, then a number of boys are required to drive the mules; a certain number are required to be attending upon the coppers.

coppers. If the estate is heavy handed, so that they can have double sets upon each spell, then the work is comparatively very easy, because whilst one-half of the spell are asleep the others are working; but if from any circumstance the estate is weak handed, or there is a great deal of sickness upon it, as the work must be done and continues night and day, the spell on duty is kept continuously at work 36 hours. Now, I know enough of negroes to know that they would not sell their time for this continuous labour except for a considerable sum of money. I have known, in times of slavery, when the sum of a dollar has been paid for the purpose of getting a negro to keep the spell of another; for instance, according to the system of concubinage in which most planters live, when one of the white planters kept a black girl, he would pay half a dollar, or sometimes a dollar, to get a negro to keep part of her spell during half the night, and therefore when I see an arrangement by which they are to get 1*d.* or 1½*d.* an hour, I am satisfied that the law is evaded, and that by some collusion the negro is still made to work in many instances 36 hours continuously, under pretext of these inadequate arrangements, which I look upon as fraudulent.

4057. You heard the evidence of Mr. Miller with regard to estates under his charge?—I did.

4058. Did you hear the evidence as to the mode in which the crop was taken off those estates?—I did.

4059. Did you hear it stated that the extra time beyond the time allowed for by law was all paid for by agreement between the managers and the negroes?—I did.

4060. Are the Committee to understand you to mean, that fair wages are in no cases given to the apprentices for their extra time, but that, under the pretence of wages, a compulsory process is enforced, by which they are defrauded of the time which the law intended that they should enjoy?—Not physically compulsory, but moral compulsion; you are perhaps not aware that the negroes have never had arrangements for hiring themselves for wages on sugar plantations to any great extent previously to the apprenticeship; they are, in a very considerable degree, strangers to those arrangements; they have, in general, little confidence in the managers of proprietors; having been long slaves, they cannot divest themselves of the feeling that they now are compelled, in a certain degree, to do what they are asked or ordered to do by the overseer; or they are persuaded by the leading men upon the estate, who, in general, are made great pets of and receive great advantages, to adopt any arrangement suggested by the overseer. These head men, under the manager's direction, in fact, compel the great body of the negroes, not by actual force but by moral force, to adopt almost any suggestion he may make.

4061. Do you mean to state, that, during the early period of the apprenticeship, the negroes were not practically conversant with the rights which the law gave them?—They were not, and for this reason amongst others, they were under the impression, up to the 1st of August 1834, that they were to be free. Finding that they were not free, they instantly had an immense disgust to the system; they thought that freedom had been given to them by the people of this country,—by the King, as they said, and that they had been cheated out of it by the white people, and the consequence was, that in some cases they would make no arrangement for wages in return for labour; and, in other instances, they were ready to enter into almost any proposition made them, because they placed no confidence in the system, and considered themselves still as slaves; they did not believe it to be a lawful one; they considered it concocted by the planters.

4062. Do you mean, that that ignorance of the rights which the law gave them extended to the leading men among the negroes?—Not to that degree amongst them as amongst the more ignorant, yet the feeling was very general; when you consider that there are very few of the negroes that can read or write, comparatively speaking, it will not be wondered at that——

4063. Do you mean to state, that advantage was taken of that ignorance on the part of the negroes by the managers, so as to defraud them of part of the time which, according to the strict letter of the law, they were entitled to?—I should think so, for this reason; the work of any negro belonging to what is called a jobbing gang was, at the very lowest, worth, at eight hours a day, 2*s.* 6*d.*, and if they were persuaded to give their labour for a 1*d.* or 1½*d.* an hour, it was a fraud upon the negro, for it was not half the worth of that portion of labour, or it was not more than half what would have been given to one of the jobbing gangs.

4064. Do you mean further to state, that the special magistrates lent themselves as parties to this fraud on the part of the proprietors and managers to avail themselves of the ignorance of the negroes to abuse the power vested in their hands?—

A. H. Beaumont, Esq.

19 July 1836.

Looking at the fact of the lowness of the rate, I should say that the special magistrates evidently did, because if a special magistrate sanctions an agreement to give 1*d.* an hour for that which he believed was worth 3*d.* or 4*d.* an hour, he was sanctioning a fraud. He might be, and probably was, especially if he came from this country, wholly ignorant of the value of a negro's labour. I have known in the island of Jamaica as much as 6*s.* 8*d.* a day, that is, for ten hours' labour, during the time of coffee-picking.

4065. Then your opinion is, that, during the nine months with which you were conversant with the system of apprenticeship, there was, generally speaking, a combination among the proprietors, managers and special magistrates, as against the apprenticed population and to their disadvantage?—I do not believe there was any express combination; I do not believe they ever entered into any agreement upon the subject, but that, as the special magistrate became more familiarized with the planters, and found them very hospitable and agreeable persons, that his sympathies with them became stronger day by day, and his antipathies against the slaves greater. He received great favour and hospitality from the planters; he only knew the negroes as labourers and servants.

4066. Do you form that belief upon a knowledge of facts, or upon your general knowledge of human nature?—Upon both; but I will state a fact, as an example, with respect to the special magistrate for the estate called Oliphants, or St. Jago. The overseer upon that estate I believe to be a very benevolent person, but the magistrate was dependent upon him for every comfort and for every necessary of life. The overseer could almost starve him, whenever he pleased, and he certainly must have led a very miserable life if it had not been for the accommodation that that overseer could and did give him. The magistrate did not understand the *patois* spoken by the negroes, particularly in that part of the country, Manchester and Clarendon, where they speak exceedingly bad, and he was necessarily obliged to be dependent entirely upon the information he got from the overseer. I believe that that magistrate, with the best possible motive, would have sanctioned any agreement that the overseer told him was a right one. I do not mean to say the overseer did mislead him.

4067. Do you instance the magistrate you refer to as a proof of the fact that the special magistrates become daily more attached to the planters, and more hostile to the negroes?—I do; I have scarcely known a special magistrate to whom that did not apply; I could instance the special magistrate of a part of St. Andrew's. I know that his attachment to the planters was very considerable; he was upon the most friendly hospitable terms with them, and I heard him, upon one occasion, say that he had been very much mistaken in his idea of what was the state of the slaves.

4068. What did he say?—The substance of it was this, that he thought the slaves were as well off as they ought to be.

4069. Was he speaking of them under slavery, or under apprenticeship?—Under apprenticeship; and the whole leaning of his conversation was distinctly with the planter, and against the slaves.

4070. But he expressed an opinion that the negro under apprenticeship was as well off as he ought to be?—He did; the conversation was not directed to me, but he said that he had been induced to imagine that the condition of the slaves was extremely uncomfortable, and that they were very cruelly treated; that he had changed his mind upon the subject, and I think his expression was, "that they were a damned deal better off than they deserved to be." I recollect making some observations to him, and he got rather angry upon it, and I found that, as he had made up his opinion on the one side and I had made up my mind upon the other, it was of no use to enter into any further angry discussion with him.

4071. How did the special magistrate of St. Jago show his increased hostility to the negroes?—When the negroes came to make their complaints to him, his manner and style of addressing them was certainly not that which a magistrate in this country would generally make use of.

4072. Do you mean to say that his manner towards the negroes differed during the latter part of the period with which you were conversant with his practice from what it was during the earlier part?—I do not know what his manner had been during the first period; but I should judge that it must have altered, because his manner I thought extremely harsh, different from what it would have been to white persons; he appeared always to have anticipated that they were wrong; and when I heard him making his judgments, which he did very summarily, without

out taking any note or record of them, I thought he was unnecessarily severe and unkind, to say the least.

4073. *Chairman.*] Did you ever see his manner with the negroes when they first made their complaints?—I did.

4074. Did his manner upon those occasions appear to you to be such as to discourage the slave in making his complaint?—Decidedly so; I heard them say so themselves.

4075. Sir *George Grey.*] Do you compare this magistrate's conduct at one period with what it was at another, or do you only speak of it with reference to what it ought to have been at all periods?—With reference to what it ought to have been at all periods.

4076. Upon which do you rest your belief, that the magistrates, in the course of your observation of them, became more hostile to the negroes than they were when they first entered upon the discharge of their duties?—Unless I had a list of the special magistrates before me I could not enumerate the names of those who appeared to increase in hostility to the negroes; but I judge not so much from previous acquaintance with them as from a consideration of what every magistrate's conduct ought to be to a person that goes to make a complaint; and when I have seen the special magistrates sitting, it appeared to me that they did not treat the blacks in that way.

4077. But your opinion appears to be founded upon what you conceive ought to be their conduct generally, rather than upon a comparison of what it was at one period with what it was at another?—I was introduced to several of them upon their first arrival in the country, and their manner of expressing themselves with respect to the negroes was very different from what it was some months afterwards.

4078. Are you aware whether punishments increased as the magistrates remained longer in the colony?—I believe the fact to have been that there was greater hardships imposed on the negroes. I believe the punishments immediately after the month of August up to the latter end of 1834 were very excessive.

4079. Were they greater or less during that period than in the last six months?—Several of the negroes, particularly those belonging to the parishes of Port Royal and St. Mary, have repeatedly shown me their backs, which had been very cruelly lacerated.

4080. Have you any means of forming an opinion as to the increase or decrease of punishment, taking the last six months of the apprenticeship and the first six months of the apprenticeship?—It is impossible to ascertain the relative proportions of punishment, because it is not done publicly. The only mode by which you could ascertain it would be by making use of the returns, which I have already stated I do not believe to be true.

4081. On what is it that you found your belief, not only that the returns are not true, but that the direct reverse of those returns is true; and that there has been an increase instead of a decrease?—Because I have seen a considerable number of negroes who had been flogged. I was very much in the habit of conversing with the negroes, and a great number have shown me their backs who had been severely punished. I saw a large number of negroes, some of them very respectable people, that had been very severely flogged; and I believe that flogging had not diminished during the apprenticeship, as compared with the last years of slavery.

4082. You are speaking of the first period of the apprenticeship, during which there was an increase; but the returns show a great subsequent decrease. Have you any fact to justify the opinion that that decrease has not taken place?—I believe in some places it decreased very much. For instance, in the parish of St. Thomas in the East, under Mr. Lyon, there was an immense decrease of punishment; but I know he was rather unpopular with the principal people on that account.

4083. Have you any information at all as to the amount of punishment during the last six months preceding this day?—None at all, except some letters from friends upon the subject.

4084. Have you any information as to any period subsequent to May 1835, when you left Jamaica, as to the amount of punishment?—No, I have not; but up to May 1835 they had not decreased, as compared with the same period of slavery.

4085. Lord *Sandon.*] Your impression upon that point is gathered from the fact of persons you saw with the appearance of having been flogged upon them?—It was.

A. H. Beaumont. Esq.

19 July 1836.

4086. And you think you saw more persons with those marks of punishment in the latter part of the time than in the first part?—There were more punishments from August to October than subsequently, but from October to May 1835 I do not think there was so much flogging.

4087. Have not you stated that there was an increase of punishment progressively during the apprenticeship?—No, I stated that there had been an increase of punishment during the apprenticeship, compared with slavery.

4088. Sir *George Grey.*] Are the Committee to understand from what you have stated, that you consider that the magistrates, the longer they have remained, have become more hostile to the negroes and more severe in their conduct towards them?—I stated that I believed they were more hostile to them.

4089. Upon what does that opinion rest?—Because whenever I have seen the magistrates adjudicating, it appeared to me that they decided against the slave when I thought that the slave was right, and that they endeavoured by all possible means to prevent complaints from being made to them.

4090. Can you compare the conduct of the special magistrates at one period of the apprenticeship with their conduct at another period of the apprenticeship, and can you, upon that comparison, state any facts which justify the belief that they became more and more hostile the longer they remained in the colony?—From August to October in the year 1834, there were many complaints made by the negroes to the special magistrates. Subsequently to that period, the number of complaints very much diminished, as the confidence of the negroes in the magistrates diminished, and I believe that the adjudication of the special magistrates has been more seldom called in, excepting cases where the overseer or manager applied for his interposition. The negroes would submit to a greater number of privations, they would do a greater quantity of labour and be more obedient to the special magistrates than they would be, before they saw it was of no use to appeal to them. When I saw special magistrates receiving favours from managers, I believed the negroes when they said they had no confidence in them. The consequence would be, that as they were more submissive after October 1834, than they were before, there would not be so much occasion to flog them.

4091. Then you state this as the fact upon which your opinion is founded, that complaints diminished?—Yes, I believe this. I pay no regard to returns.

4092. And upon that fact you found the opinion that they became more hostile to the negroes?—Yes; I know that the planters express themselves much better satisfied with the working of the system, and are generally good friends to the special magistrates.

4093. Mr. *Buxton.*] Were there any means of ascertaining the number of punishments inflicted whilst slavery prevailed?—There were not.

4094. Had you any means of ascertaining the number of punishments inflicted during the first six months of apprenticeship?—No further than what I have mentioned, that I have known repeated complaints by the negroes, that they were flogged. Immediately after the first of August, the negroes being impressed with the idea that they were free, complained when they were flogged; I suppose that I have seen at different times, from August 1834 to about October, above 500 who had been flogged and severely flogged; and there must have been a great number flogged that I never saw.

4095. You have stated that there is no official return of the number of punishments during slavery; is there any official return of the number of punishments during the first six months of the apprenticeship?—I do not know, I think there is not, at least I have access to none.

4096. So that it is impossible for you by official documents to prove that the number of punishments has either diminished or increased?—Quite impossible.

4097. Do you think that it proves that a more merciful system is adopted now than there was at the earlier stages of the apprenticeship, that there has been an actual diminution of the number of punishments; or might not the fact of the multiplicity of punishments in the first instance have led the negroes to suppose that they had not that degree of protection which they supposed they had in the first instance, and consequently they might not have dared to make those complaints?—I have no doubt that that is the case; but, as I said before, I do not believe the returns, whatever they may be; I believe that many men now holding the office of special magistrate, would have very little care what sort of returns they made, and would make them to please the planters or the Government, as they thought best suited their interest.

A. H. Beaumont, Esq.

19 July 1836.

4098. Is there any effectual check upon the fidelity of the returns of punishments?—I am not aware what regulations the Government may have adopted, but I cannot imagine that there is any check; for instance, if a young man of very debauched manners and habits, as is not unfrequently the case, is made a special magistrate, no faith can be put in his returns. I think a person of that character, who would not be entrusted by a merchant to keep a common account, ought not to be entrusted to keep returns of punishments, and to exercise dictatorial power.

4099. *Chairman.*] Are you prepared to express an opinion to the Committee that there have been frequent cases of men without character and of bad conduct appointed to the office of special magistrate?—Most decidedly so.

4100. Sir *George Grey.*] By the Secretary of State or by the Governor?—By the Governor.

4101. What proportion of the magistrates have been appointed by the Governor and what proportion by the Secretary of State?—The official returns will state that.

4102. Are you able to state?—If I saw the return I could state it at once; the proportion varied at different times; as special magistrates died or left the country, others were appointed by the Governor.

4103. Does your observation apply to those appointed by the Governor or to those appointed by the Secretary of State?—With regard to the character of those appointed by the Secretary of State, I have no means of judging, except by their proceedings after they arrived at the colony. With respect to those appointed by the Governor I knew many of them personally.

4104. Mr. *Gladstone.*] Do not you know that the proportion appointed by the Governor, as compared with the whole number, is extremely small?—No, on the contrary, I should say that the one fact of a special magistrate being appointed by the Secretary of State, and the other fact of his taking upon himself the active discharge of the duties, are very different things, because it very frequently happened that a special magistrate, from illness or some other cause, did not perform the duty, which fell upon some special magistrate appointed by the Governor along with his other duties.

4105. Sir *George Grey.*] Do you mean to state that the greater part of the acting special magistrates, during the nine months you were in Jamaica, after the apprenticeship began, were appointed by the Governor?—To ascertain this you had better refer to your official returns.

4106. *Chairman.*] But without adverting to the returns, are you prepared to express any opinion as to the proportion?—I believe that two-thirds of the administration of the law as to the slaves, in truth and fact, went through the hands of special magistrates appointed by the Governor; for instance, in the whole of St. Thomas in the East, the whole of St. Ann's, the whole of Manchineal, the greater part of St. James's, and at one time a great part of Westmoreland, when Bryan Edwards was special magistrate there.

4107. Who are the magistrates of St. Thomas in the East?—Mr. Lyon was the only one for a long time.

4108. He was a magistrate with respect to whom a great diminution of punishment had taken place?—Yes, he is an able, intelligent and admirable magistrate.

4109. Who is the magistrate of Manchineal?—At the time I left the island, Mr. Kennet Dawson, a very unfit person.

4110. Who was the magistrate of St. Ann's?—Mr. Sooley, a very unfit person.

4111. Are you aware whether Mr. Hill and Mr. Norcutt were appointed by the Secretary of State?—By the Secretary of State. Mr. Richard S. Cooper was colonially appointed for St. James, and Mr. Bryan Edwards for the parish of Westmoreland; and that division of the island, reckoning from St. Thomas in the East, is about two-thirds of the sugar properties in the island. The circuit I have stated goes above half round the island; and I believe that portion of the island I have described comprises two-thirds, or at least considerably more than half of the sugar estates in the island.

4112. Do you mean to say that considerably more than half of the sugar estates in the island were under the charge of five special magistrates appointed by the Governor?—Practically, I believe they were.

4113. How many special magistrates were there in Jamaica at the time you left?—I do not exactly remember the number.

A. H. Beaumont, Esq

19 July 1836.

4114. About how many?—I do not believe that at that time there were more than 22 actually engaged.

4115. Are you aware of the present number?—I am not.

4116. Mr. *Gladstone.*] Should you be much surprised if you were told that there were 50 when you left the island?—I know there were a considerable number; but I am speaking of those special magistrates that did administer practically the duties of the office. I know that Mr. Lyon alone performed the duty for St. Thomas in the East, and that Mr. Kennet Dawson performed the duty for the Manchineal district; I know that for a great portion of the parish of St. Ann the duty was performed by Mr. Sooley; and that Mr. Norcutt and Mr. Hill had been the special magistrates of St. James's; but they were not acting; and that the large district of St. James's was under Mr. Cooper; and of Westmoreland under a planter, Mr. Bryan Edwards, who had immediately previous to his appointment been an overseer.

4117. Sir *George Grey.*] Are you able to state, with any accuracy, the number of magistrates who held the special commission at that time?—I am not; but I have not mentioned the whole of the island in the circuit I referred to.

4118. You stated that five magistrates had practically the charge and superintendence of at least half the sugar estates in the island; are you able to state what number of special magistrates held the special commission in May 1835?—I cannot say, I think I recollect 20; there might have been twice as many, but I speak of those persons actively engaged in that portion of the island in which there was most trouble found in arranging the apprenticeship system; my attention was not particularly drawn to other parishes; I did not attend to them when the cultivation was principally coffee or grass.

4119. You have no accurate information as to the number of special magistrates at that time?—No further than from the official returns as to the number, and my own knowledge as to those who were actively engaged.

4120. Mr. *Buxton.*] Have several of the stipendiary magistrates an interest in apprenticed labour?—They have.

4121. Will you state their names?—Mr. Ralph Cocking has.

4122. Was he a magistrate appointed in the colony?—He was.

4123. Had he made himself remarkable by having joined the Church Colonial Union?—He did belong to the Church Colonial Union; but I know he is a man of very good and amiable character; he had been an overseer; he is interested in apprentice labour property.

4124. Mr. *Gladstone.*] Do you mean that he is the holder of apprentice labour?—I mean in the right of his wife.

4125. Sir *George Grey.*] What is the nature of the interest that Mr. Cocking had?—I know he was interested in slaves, and to the best of my recollection it was in the right of his wife.

4126. Do you mean that his wife was the owner of an estate on which apprentices worked?—He was the owner of slaves.

4127. At the period of his appointment was she entitled to the benefit of the labour of apprentices?—I cannot say if she individually was; but I know that his wife's family were; and have heard and believe that he was so in right of his wife.

1428. What do you mean by his wife's family?—Her sisters.

4129. What members of her family were entitled to her benefit of apprenticed labour?—I cannot say, but it was a matter of notoriety that Mr. Cocking was interested in slave property; but the particular tenure by which he held it I do not know.

4130. *Chairman*] Do you mean that he had himself a pecuniary interest, or that his connexions had a pecuniary interest in apprenticed labour?—I believe that he he has himself a pecuniary interest in the right of his wife.

4131. Sir *George Grey.*] You believe that either Mr. or Mrs. Cocking have a direct pecuniary interest in apprenticed labour?—I have no doubt of the fact.

4132. On what estate did the apprentices labour in which either Mr. or Mrs. Cocking have an interest?—I believe somewhere between St. Mary's and St. Thomas in the Vale. Mr. Cocking had been an overseer upon Lewisburgh or in that neighbourhood.

1433. How long ago?—To the best of my recollection he was an overseer when he was appointed, but certainly a very short time anterior.

4134. Upon what estate?—I think it was Lewisburgh; but it was an estate in that vicinity.

4135. To whom did the estate belong?—I do not remember; it is not the custom in the island of Jamaica, in speaking of an estate, to refer to the proprietor; you describe it by its name; few persons, in speaking of the estate, think about the absentee proprietor.

4136. Was Mr. Cocking the owner of the estate on which you believe him or his wife to have pecuniary interest in the labour of the apprentices?—No.

4137. Upon what estate did the apprentices labour, in whose labour Mr. Cocking had a peculiar interest?—They were mostly domestic servants I believe; I think there was a portion that worked in what is called a jobbing gang. They were not sufficient to form a jobbing gang, but they worked with others I believe.

4138. Did you ever investigate these facts yourself?—No; but I have no doubt of the fact that Mr. Cocking was interested in slave property. It was matter of notoriety. I know that the negroes, when I was travelling through that part of the country, said that it was a very hard case; in the first place, they said, the Governor himself is a slave-owner, and here is our special magistrate a slave-owner, and he has got all the feelings of a slave-owner, and what hope have we of justice; and I recollect my attention being particularly drawn to the circumstance from that conversation.

4139. Is it upon that conversation that you found your belief, or upon any other fact?—No; upon the perfect notoriety of the fact that Mr. Cocking was interested in slave labour.

4140. But you are not able to state whether it was Mr. Cocking or Mrs. Cocking, or some other member of her family?—I cannot say; but I have no doubt that Mr. Cocking was interested in slave property at the time he was appointed a special magistrate; whether he disposed of it subsequently I do not know.

4141. Do you know whether he continued to retain his interest after he was a magistrate?—I understand that he did.

4142. Did he continue to act as an overseer after he was a magistrate?—He could not, of course.

4143. You have stated that you believe him to have been a humane man?—Yes.

4144. He is not one of those men that you would include in the charge of becoming increasingly hostile to the negroes?—No; because I should say the appointment of Mr. Cocking is a very judicious one, if colonial slave-owners were to be appointed at all.

4145. Have you read Mr. Cocking's reports?—I have cast my eye over them.

4146. Have you cast your eye over them sufficiently to become acquainted with the substance of them?—No.

4147. Sir *James Graham.*] If Mr. Cocking is so humane a man, whence arose the complaint of the negroes as to his having the feelings of a slave-owner?—I do not undertake to say that in every complaint a negro made against a special magistrate he was necessarily right, but I believe that the most humane man could not properly execute the duties of special magistrate. I believe Mr. Cocking to have been a very humane man, but I have no doubt that in many instances he decided very wrong, and for this reason, that every planter has two distinct characters; he has got one character as between the persons who are freemen like himself, and he has a very different character altogether with regard to slaves; and a very amiable man in his relations with his equals may be of opinion that it is necessary to use very harsh measures with slaves, and that is the general impression of all planters throughout the country; all of them think that the negroes are an inferior race of beings.

4148. Has any instance of undue harshness on the part of Mr. Cocking, in his conduct towards the apprentices, fallen within your own knowledge?—No; only the negroes that I met with in that part said that they were flogged more than they had been flogged during the time of slavery, but whether that was so or not I cannot say. I saw some of the negroes that had evidently been flogged; negroes wear, in general, a short loose Osnaburg frock over a pair of trowsers, and it just comes as low as the waist, and if they have been flogged, and they have not changed their apparel, you can see the bloody marks upon the back of the frock; and if the negroes are referring to the circumstance of being flogged, they will lift up the shirt and show you the back and the marks upon it, as they have shown me.

4149. Did the negroes complain to you of the remarkable severity of this gentleman's decisions?—They drew no comparison with other special magistrates, but they said that there was more "flog! flog!" to use their own term, since the King had given them "free," than there had been before.

A. H. Beaumont, Esq.

19 July 1836.

4150. Did they go on to make the observation that the Governor was a slave-owner, and that that particular magistrate was a slave-owner?—I do not know that the same observations were made by the same negroes or concurrently, but I know that in that part of the country they made the observation. One would complain of the flogging, and another would say that they could expect very little justice, because the Governor was a slave-owner and Mr. Cocking was one too.

4151. All those observations were made by negroes within the jurisdiction of Mr. Cocking?—To the best of my recollection within his jurisdiction; I cannot say where his jurisdiction began and where it ended, but it is in that part of the country between Spanish Town and Anotta Bay.

4152. Sir *George Grey.*] Do you believe that Mr. Cocking, a humane man, flogged more as a special magistrate than he had done as a manager?—I should think from August to October that he did.

4153. What motive could he have had for exercising greater severity as a special magistrate than he had exercised as a manager?—The negroes and the managers did not understand one another upon the apprenticeship system coming into operation. In many instances the allowances, which the negroes had been accustomed to, were withheld; the negroes were not aware why this was done. Again, the negroes were extremely anxious that the forty-five hours which they were required to be worked, should be as much as possible spread over four days of the week, so as to give them the greatest possible proportion of Friday to themselves; and for some reason I do not know, except it was to render their situation irksome, that plan was not adopted; the planters preferred making them work eight hours a-day. I believe the ultimate object was this, to compel the negroes to sell their time for the smallest sum that can be got for it. I will state how that is done. In examining Mr. Miller the Committee were not aware that there is a very great difference between the negroes' provision-ground and the negroes' garden. Mr. Miller stated that the negro might go from the field and work his garden; that is true; but the garden which the negro works in an hour or two, when he has left his labour, is, upon the sugar estate; it is a mere kitchen garden; but the productive grounds of the negro, which are attached to every estate, are at a considerable distance, sometimes 15, 16 and even 20 miles; in one instance I know that they are at the distance of 27 miles; for instance, in the case of Meylesfield estate, in the parish of Westmoreland; if the negro were made to work nine hours a day he would take the half day on Friday to walk to his ground, which say is 15 or 20 miles distant, to be able to commence the labour of it at an early hour on the next morning; if, on the other hand, he works eight hours a day, then on the Friday he would not have the time to go up to his grounds, and it would take half of his Saturday to do it, so that there would be so much time lost to him. The managers were well aware of that fact, and by compelling the negro to work eight hours a day instead of nine, they would compel the negro to sell the extra hours for less than he otherwise would do. For instance, the negro would sell the extra hour upon the Monday, Tuesday, Wednesday and Thursday for a much less proportionate sum than he would sell five hours upon the Friday. The extra or ninth hour in the first four working days of the week was of little value, but could he have exchanged that ninth hour of each of those four days for four hours on Friday he would have been a great gainer. A negro's remote provision-ground is a mine of wealth to him; his garden in the estate itself is of little value.

4154. Are the Committee to understand you to state that Mr. Cocking, whom you have represented as a very humane man, flogged the negroes more as a special magistrate than he had done as a manager, from the motive you have stated?—I do not attribute that motive to Mr. Cocking, I attribute it to the managers, and I believe it is justly attributable to them.

4155. Then what motive had Mr. Cocking, in your opinion, for flogging the negroes more as a special magistrate than he had done as a manager?—I said that at the first commencement of the apprenticeship there were considerable disputes between the managers and the slaves. The general impression amongst the planters was, that there should be a system of coercion, that the slaves should be taught they were not free, and I believe that acting upon that principle there was a greater portion of punishment, not under him alone, but under all the others, than had taken place before, with one or two exceptions.

4156. Can you state those one or two exceptions?—In the case of Major Norcutt and Mr. Hill.

4157. Any

4157. Any others?—I dare say there are, but I do not recollect the names of all the special magistrates.

4158. *Chairman.*] That cause of an increased degree of punishment was obviously of a temporary nature and would cease when the negro became aware of his real condition under the apprenticeship?—It would cease when the negro gave way and gave up what were his rights and ceased to demand them.

4159. You have stated that the negro was ignorant of the nature of the apprenticeship, and imagined himself completely free, and therefore he was not willing to comply even with the legal demands of his master upon his time?—In several instances, certainly.

4160. Mr. *Buxton.*] Will you state the names of all the magistrates who you conceive had an interest in slavery?—The first in the list is Richard Chamberlain, jun., Richard Cocking, Richard S. Cooper, I think Richard B. Facey, Walter Finlayson, Alexander Gordon Fife, Cheney Hamilton, James Harris, I believe Charles Hawkins, William Hewitt, Samuel Price, William Ramsey, W. H. Sooley, John Woolfris.

4161. Sir *George Grey.*] How many of those magistrates held the commission while you were in Jamaica?—Eight of them.

4162. Do you know how many of them hold the commission now?—I do not.

4163. Will you state the interest of Mr. Chamberlain in apprenticed labour?—His mother is a proprietor of apprenticed labourers, which will ultimately be his, and his father is in the same situation; his father and his mother in their own separate rights are owners of apprenticed labourers.

4164. Have they landed property in Jamaica?—Yes.

4165. Upon which apprentices labour?—No, they are principally domestic slaves, except that his father has what is called a pen.

4166. What had Mr. Chamberlain been before he was a special magistrate?—He had been a clerk to William Titley, a merchant in Kingston.

4167. He was appointed by Lord Sligo?—I believe he was.

4168. Do you know whether he holds the commission now?—I have no means of ascertaining.

4169. Or what the extent of his interest was in apprenticed labour?—Whenever he was living in his mother's house he had a control over all the servants.

4170. Do you mean that he had any control beyond what any son might exercise in his mother's house?—None.

4171. Do you mean to state that the extent of Mr. Chamberlain's interest was, that his mother, in whose house he sometimes resided, had domestic servants who were held in apprenticeship?—And slaves that used to be hired out for wages, as I believe.

4172. Do you know how many she had?—No.

4173. Do you know whether she had more than enough for the ordinary purposes of the family?—To the best of my knowledge she had; there were some that were hired out, I believe.

4174. What is Mr. Cooper's interest?—He is a proprietor of a small plantation or pen. I think it is in right of his wife, but his wife is dead, and I believe he holds it as tenant by courtesy.

4175. Mr. *Gladstone.*] Are the terms "plantation" and "pen" indifferently applied to the same property?—No, "pen" signifies a plantation for raising stock or grazing.

4176. Is there any planting upon a pen?—Very frequently Indian corn.

4177. Is there any planting of the export produce of the island?—Sometimes pimento is raised upon the pen.

4178. What number of apprentices are upon his estate?—I do not know.

4179. Where is the estate?—I believe somewhere between St. Andrew's, St. Mary's and St. Thomas in the Vale, on what is called the "Above Rocks."

4180. What is the name of it?—I do not recollect.

4181. Mr. Facey, what is his interest?—I think his interest is in right of his mother or aunt.

4182. Do you mean that his mother is the owner, or that he is the owner?—His mother, I believe.

4183. Of what is she the owner?—I do not know; I only know that the family have got slaves amongst them. I believe she has got a number of slaves in Jamaica. Many free persons live upon the wages or hire of slaves in Jamaica.

A. H. Beaumont, Esq.

19 July 1836.

4184. Is his mother a coloured person?—Yes; I think it is his mother who owns the slaves.

4185. *Chairman.*] Is not it the case that almost every family in Jamaica in easy circumstances has some apprenticed labourers as servants?—With scarcely an exception.

4186. Sir *George Grey.*] Has Mr. Finlayson the same interest?—I believe he takes an interest under his brother's will in slave property. I know there are slaves in the property which belongs to his brother's estate. I believe there are about 30 apprentices that are held under the will of his brother; I believe he is interested in that will; I believe he is an executor of it. I answer your questions as to these gentlemen being interested in slave property to the best of my knowledge, which in some cases of this sort is very limited.

4187-8. What is the interest of Mr. Alexander Gordon Fife in apprenticed labourers?—His aunts and sisters are very considerable holders of apprenticed labourers.

4189. Has he any himself?—I believe not.

4190. Mr. Cheney Hamilton, what is his interest?—He is in possession of some slaves, and I think he has got a small pen, but I am not quite sure.

4191. What is the nature of his interest, to the best of your knowledge?—To the best of my knowledge he is a proprietor of domestic slaves, and I think he has, in right of his wife, an interest in some agricultural apprentices; I know that they have the control of slave property. Until the Emancipation Act passed, the distinction between domestic slaves and field labourers did not exist, because a domestic slave frequently laboured in the field.

4192. What is Mr. Harris's interest?—The whole family have got slaves.

4193. Was he one of the magistrates who held the commission when you were in Jamaica?—I am not sure.

4194. What is the nature of Mr. Harris's personal interest?—I do not know particularly.

4195. Do you know whether he has any beyond that of the members of his family having an interest?—I know there were a considerable number of slaves belonging to the Harrises, if it is the Mr. Harris that I mean.

4196. But you do not know whether, if he be a member of that family, he has himself any personal interest in apprenticed labourers?—If he is a member of that family, I should think he had, because I understand that they all have.

4197. Do you know whether he is a junior branch or an elder branch of the family, or what his pursuits have been?—I have stated that he might have been appointed subsequently to my leaving the island.

4198. Upon what do you found your belief that he is personally interested in apprenticed labour?—I knew a Mr. James Harris, who, to the best of my recollection, was clerk of the peace of the parish of St. Mary's.

4199. Was that Mr. James Harris a member of the family of which you have been speaking?—I always understood that he was.

4200. Had that Mr. Harris a personal interest in apprenticed labourers?—I always understood that he had.

4201. In apprenticed labour of what kind?—As I mentioned before, the distinction did not exist before the apprenticeship, and I do not know how the slaves are now classed as apprentices.

4202. Do you know whether this Mr. Harris is the individual you refer to, except from the similarity of the name?—No, I have no other reasons whatever.

4203. What is Mr. Hawkins's interest?—The gentleman I mean is a lieutenant in the navy; he has some interest, I have understood, in some slaves which he holds by right of his wife, but of this I am not sure.

4204. His wife possessed some domestic apprentices?—I have seen some domestic apprentices in his house, and I understood they were his wife's property.

4205. Mr. Hewitt?—He is interested in the Cumberland estate; I think it is in the parish of St. Ann's, or Clarendon; he takes an interest under the will of Mr. William Hewitt his father.

4206. Do you mean that he is a part owner in any estate?—I do not know the particular interest he has, but I know that he is interested with his brothers in a considerable slave property belonging to the family.

4207. Do you mean that he is a legatee under his father's will?—I do not know; I only know that there is an estate called Cumberland held among the family.

4208. But you do not know whether he has any interest in that estate beyond that of taking an interest under his father's will?—I understood that when the mortgages of the estate were paid off it would belong to him.

4209. What was to become of the other brothers interested with him?—I understood that he was the eldest son.

4210. Did not you say that under the will he and his brothers were equally interested?—I said, I think, at all events I meant to say, the family generally, his sisters and brothers-in-law. I do not know whether he has any brothers.

4211. How long has the father been dead?—The father died from two to three years ago.

4212. What is Mr. Price's interest?—I believe he has a small interest in slaves.

4212*. Do you mean to say he has an interest now in apprentices?—He has, indirectly.

4213. Domestic apprentices or field apprentices?—I believe they are now domestic apprentices, but that they did formerly work in the field.

4214. Mr. Ramsay, what is his interest?—In the same sort of way; he is a creole of a West Indian family; there are a considerable number of slaves amongst the family; amongst his brothers and sisters; there are some plantations in which they have an interest; I have understood and I believe he has an interest in slaves, his own property or his wife's.

4215. You mean that he has connexions in the island who have an interest in apprenticed labourers?—Yes, I think he is interested in Tremolesworth estate, in the parish of St. Mary's; I believe there was a suit pending in the Court of Chancery about the estate, and I understood from Mr. William Ramsay, his father, that he was a party to it. I believe he has domestic slaves, and the whole of his connexions have domestic slaves in that parish in which he is a magistrate.

4216. Mr. Sooley, what is his interest?—No further than I see in the list of compensation claims, that he is interested in right of his wife.

4217. Was he a special magistrate when you were in Jamaica?—He was.

4218. What is the amount of the compensation claim put in by his wife?—Very small, two or three negroes, I think.

4219. Domestic negroes?—I suppose they were.

4220. Mr. Woolfris, what is his interest?—I believe he has only a few domestic servants; I am not sure.

4221. Did you take apprentices yourself during the period you staid there, after the expiration of slavery?—At the time of the abolition I had only one apprentice in my possession; I purchased her for the purpose of getting her her freedom; I was never in the general habit of using apprentices; I did not choose to come within the control of the special magistrates, and I generally employed freemen.

4222. Mr. *Gladstone.*] Had you previously, during the existence of slavery, been in the possession of slaves?—None but those which I manumised; I bought and freed four.

4223. And all those you manumised?—I did.

4224. Mr. *Buxton.*] Do you consider that there being fourteen of the magistrates who were more or less connected with apprentice property is consistent with the pledge made to us on the 14th of May 1833, by Mr. Stanley, which runs in these words: "It might be necessary to distribute through the chartered colonies what already existed in the Crown colonies, namely, stipendiary magistrates appointed by the Crown, unconnected with local interests, uninfluenced by the local assemblies, free from local passions and prejudices." Do you consider that that pledge has been fulfilled, when we have fourteen magistrates in Jamaica who are more or less connected with apprenticed property?—With the exception of two names, I do not believe there was a single man whose mind was not entirely warped by the reverse of the principle stated in that observation of Mr. Stanley's.

4225. Do you consider that the pledge given us, which is called by Mr. Stanley, in another place, the keystone of the whole, namely, that the magistrates appointed should be totally unconnected with colonial property and with local prejudices, has been verified?—Decidedly not.

4226. Mr. *Gladstone.*] You said that you considered that there were two of those fourteen who were not under the influence of prejudice unfavourable to the negro; do you conceive that that pledge has been violated in respect of those two as well as in respect of the other twelve, or do you think that the appointment of those two was allowable?—It is a happy accident.

A. H. Beaumont, Esq.

19 July 1836.

4227. Do you think that the appointment of those two was allowable in point of principle?—No; because it is only a happy accident that they turned out well.

4228. Does it appear to you, upon a general review of the whole of the cases, that there is any one among those fourteen magistrates who holds in his own person an interest in the labour of prædial apprentices, except Mr. Hewitt?—I cannot exactly say; because, as I mentioned before, as the distinction prædial and non-prædial was only created by the Emancipation Act, I do not know how they would enter them in the compensation claim; they would enter them accordingly as they could get most for them.

4229. The question is not as to the prospective, but as to the retrospective; whether you consider that any of them have a direct interest in apprentices employed in agricultural labour, with the exception of Mr. Hewitt?—I think it is very probable that Mr. Cooper has; and I think it is certain that Mr. Cooper does hold an interest in prædial apprentices; but he was one of the two exceptions I was going to make.

4230. Have Mr. Cooper and Mr. Hewitt, to your own knowledge, any interest in their own persons in apprentices raising agricultural produce?—For the reasons I have before given, I believe they have.

4231. Would you say that you knew it by way of common notoriety?—Yes.

4233. Mr. *Buxton.*] If many of those persons do not hold a direct interest in prædial apprentices, can they yet be said to be totally unconnected with local interest, uninfluenced by the local assemblies, and free from local passions and prejudices?—Certainly not; on the contrary, I believe that many of those persons who have not a direct interest were much more influenced by local prejudices than many proprietors would have been that had a direct interest.

4233. Sir *James Graham.*] What is your reason for that opinion?—Most of the persons that hold an indirect interest have been bred up in the colony, and have all the prejudices of it in them; they look upon the blacks as an inferior order of beings; they were, generally speaking, educated to despise slaves as degraded beings. Most persons who have this indirect interest have been accustomed to look upon the blacks as mere creatures of their pleasure, to work as they pleased, and the women to be the objects of their lust. But a great number of the proprietors, on the other hand, having a direct interest, have been educated in this country, and have a different kind of feeling, and when they come to the island of Jamaica they generally have the opinion that the blacks are of the same species as themselves.

4234. *Chairman.*] Do you conceive that it would have been possible for the Governor to have found in the island of Jamaica a sufficient number of persons to be selected for special magistrates who were wholly unconnected with property in apprenticed labourers?—Wholly impossible.

4235. Sir *James Graham.*] Then the alternative was, either to select such persons as have been selected in the island, or to send the whole body from this country?—No; they might have made a much more judicious selection than was made.

4236. That relates to the character of the person, and not to the circumstances of the person?—I mean as to character.

4237. Then the observation is confined to individual character, and not to circumstances?—Yes, for this reason, that it was matter of extreme surprise in the colony when some of those appointments were made, because it was the opinion of every reasoning person that heard of them, that many of the appointments so made were outrageously absurd. There was one special magistrate, a discharged wharfinger, discharged under unpleasant circumstances, and another was a young man, a merchant's clerk, discharged also under unpleasant circumstances; another was a person who had been a merchant's clerk, and bore an extremely bad moral reputation.

4238. Laying aside for a moment the moral character of the individuals chosen, if the Government had resolved not to select any persons for those appointments who were not free from local influences, they must have sent them from this country?—Certainly.

4239. Sir *George Grey.*] Could you name those three gentlemen, if it were required?—At this instant I can.

4240. Sir *James Graham.*] Except in the passage-money, is there any pecuniary saving to the British Government in selecting the special magistrates from men educated and resident in Jamaica, rather than sending the special magistrates from England

England to the colony?—Except in the difference of the passage-money, I have understood and I believe not.

4241. The feelings of the individuals, with respect to the apprentices, you think would be very different in the one case from what they would be in the other?—If the man sent from this country was a man of sufficient strength of mind not to be contaminated by the planter-like feeling which most men would adopt, he would continue to administer justice, but if he imbibed the sympathies of the planters, of course there would be very little difference between him and the colony-made magistrate.

4242. You have drawn a distinction, in a former part of your evidence, between the feeling of the proprietors even of slave property, not constantly resident, and the feeling of the managers of that property who are constantly resident?—If you send out from this country individuals well educated and high-minded, they would try to administer justice fairly; but that, in general, is not the class of men sent out as special magistrates from this country. I find them in general to be half-pay officers in the army or navy, men accustomed to see flogging, and who are, for the first time in their life (except when they have been sitting in courts martial) called upon to administer this dictatorial law, which invests them with something like absolute power.

4243. You are disposed to quarrel almost as much with the selections made here as with those in Jamaica?—No; I look upon the system as evil either way, but some of the selections have been exceedingly happy. I believe the selection of Mr. Hill and Major Norcutt and Mr. M'Cleod were very good.

4244. Your observation of a lucky accident applies to the selection here almost as much as to the selection there?—It necessarily must do so.

4245. Sir *George Grey*.] You have mentioned three magistrates as exceptions, Mr. Hill and Major Norcutt and Mr. M'Cleod; are you aware that Mr. Hill and Major Norcutt have long been resident in Jamaica, and were selected by the Governor from among the Jamaica population?—Mr. Hill had not been long resident in Jamaica.

4246. Had he been resident in Jamaica before the apprenticeship came into operation?—I understood that Mr. Hill had a special commission from the Secretary of State here; but Mr. Hill was very well known to have imbibed no portion of colonial feeling.

4247. Was he a man of colour?—He was.

4248. Was Major Norcutt resident in Jamaica before he was appointed a magistrate?—I do not remember.

4249. Sir *James Graham*.] You have stated your objection to the selections made upon the spot, and to the selections made here; where, in your opinion, could individuals be found that would discharge those duties satisfactorily?—I do not think they could be found, and therefore, as I said at first, it amounts to this, that the apprenticeship never could work advantageously to the slave.

4250. Then your objection is to the system adopted, and not to the mode in which it is worked?—If you can get a set of angels for the purpose of administering the law, they might possibly do it; but in Jamaica there is every temptation for men to violate duty. If you send out a young man, he goes to a country where he finds that the blacks have been looked upon as an inferior race, where concubinage exists to an unlimited extent, where the black men are despised and the black women looked on as the natural prey of the coarsest lust, and it is extremely likely that he will fall into the habits of those with whom he is constantly associating. The special magistrates have in many, indeed in most instances, no other associates but the managers of plantations, over whom they are called to adjudicate.

4251. For the reasons you have just assigned, with the utmost care and the best intentions of the Government, dealing with human beings, they could not, you think, have placed persons in authority who would have done better than those that were chosen?—I do not think that, with the narrowness of the income of the magistrates, the Government could very well have got persons of a different character to have gone out and taken the office.

4252. Sir *George Grey*.] What is the income?—I believe it amounts to from 400*l*. to 500*l*. sterling.

4253. Does a half-pay officer retain his pay with it?—I think he does. Now 450*l*. sterling, the stipend, I believe, in Jamaica, will not put a special magistrate upon the footing of an overseer or manager, because, although a manager's stipend

A. H. Beaumont, Esq.

19 July 1836.

is not more than 200*l.* currency, that is, about 120*l.* sterling a year, yet living upon the proprietor's property, with a variety of advantages, he in point of fact lives at the rate of 1000*l.* a year. He keeps several horses, he probably keeps a cabriolet, has an excellent table, and, in all respects, his style of living is infinitely superior to that of the magistrate, whom he can patronize or not, and receive into or exclude from society, according to the manner in which he upholds the rights of the planters, to use the language of those gentlemen.

4254. Is all that at the expense of the proprietor?—The carriage he buys himself, but the horses are kept at the expense of the estate.

4255. As a general rule, are the horses the property of the overseer or manager, or of the absent proprietor?—As a general rule, the horses are the property of the overseer or manager himself.

4256. Are you not aware of the fact, that vacancies frequently occur among the stipendiary magistrates?—I believe so.

4257. Are you aware that it is necessary, upon a vacancy occurring, to fill up the appointment upon the spot, provisionally at least?—Certainly, or there would be no jurisdiction at all, as the local magistrates have no power.

4258. Does not that render it necessary for the Governor, in many instances, to make a selection from the materials he has got?—Certainly; but still I think he might make much better selections.

4259. Is it necessary that some appointments should be made among gentlemen resident upon the spot?—Certainly.

4260. Are you aware that several gentlemen have been sent out at the suggestion of Lord Sligo, as expectants, in order that he may have materials for making a selection for those occasional vacancies, without being driven to the necessity of appointing gentlemen who have been long resident in the colony?—I have heard so.

4261. Sir *James Graham.*] Then, according to your view, those gentlemen waiting for appointments, and associating with the planters and parties connected with apprenticed labour, would become contaminated?—I have not the slightest doubt of that result. The magistrate-expectant visits the planters daily, he comes into collision every day with the negroes, as an inferior race, performing all the lower order of domestic duties, and he comes into the society of the managers as a superior race; and very probably at the time that his expectancy is reduced to a certainty, he has, in all his habits and ideas, as much the spirit of a planter as the planter himself.

4262. Are not all your objections concentrated in your dislike of the system of apprenticeship?—No; it is true that I never thought the system would work; I have had 30 years' experience of the negroes; they have been my playfellows in my childhood; and I have known them familiarly till I left Jamaica; I never thought that the system would work well, but I was a very attentive observer of it, and I went through the island to see how it *was* working, and it appeared to me, that in many instances the special magistrates had identified themselves, to a great degree, with the planters.

4263. With your experience, since the passing of the Act, do you think that it would have been a better and a safer thing at once to have emancipated than to have adopted the apprenticeship system?—I should not have felt the slightest apprehension, nor was there any apprehension in the colony, for, as I mentioned before, the bulk of the Legislature was very desirous to emancipate, and it was only from the representation made by the authority of Lord Mulgrave, by one of the officers of Government, who had a seat in the House of Assembly, that the British Government was unfavourable to entire emancipation, that the apprenticeship was adopted.

4264. Mr. *Buxton.*] What was the date of that newspaper containing a list of the magistrates?—May the 11th, of the present year. Every day, in consequence of the existence of the apprenticeship, up to the time that I left the island, instead of the feeling of ascerbity between the negroes and the managers decreasing, it was very much upon the increase, and I believe, at the expiration of the apprenticeship, there will be more violent animosity between the managers and apprentices than there had been before the 1st of August 1834.

4265. Do you think that, even though that should be true with regard to the state of feeling, yet that a habit of working for wages will have been acquired by the intermediate state, or do you think that the unwillingness to work for wages would have been as great if no apprenticeship bill had been passed, as it will be when the period of apprenticeship ceases?—I know no instance in which an

attempt

A. H. Beaumont, Esq.

19 July 1836.

attempt has been made to induce negroes accustomed to labour to work for wages in a state of slavery or freedom in which it has failed. I hold a letter in my hand from a gentleman in Jamaica, who thinks very differently upon the subject of slavery from what I do; it is dated the 11th of March in the present year; he says, "One hundred apprentices were made free on Scarlett's property, St. Ann's, last week, the owner having omitted to register them in 1832; they have agreed to work four days each week for their grounds and allowances; this is the first instance." That is as my correspondent believes.

4266. That is without any greater remuneration than heretofore, as slaves, they had received?—Yes, that is to say, they took the cottage in which they had resided, the garden attached to it, and 10 or 12 acres of provision-ground as the wages of four days' labour.

4267. Is the period of weekly labour diminished materially in this case?—It is probable that they have agreed to work nine or ten hours during the four days, but my correspondent does not state that particular.

4268. That would be a diminution of about one-sixth of the apprenticed labour?—I have had a great deal of intercourse with negroes, and I find, in general, that they are very ready to work for the proprietor for the original allowances and grounds, provided they gave them the extra day, the Friday; all they required was the Friday and Saturday to cultivate their own grounds, along of course with the Sunday.

4269. Confining your view to the single point of the probable increased willingness to work for wages at the expiration of the apprenticeship period, as contrasted with what it was at the period of passing the Act, do you think that probably the willingness to work for wages will be greater at the expiration of the apprenticeship period than it was when the Act passed?—I should think it will be less, and for this reason, there is a feeling of distrust among the negroes now which did not exist previous to August 1834, because they were told that they were to be free in August 1834.

4270. Sir *George Grey*.] By whom were they told so?—In all the proclamations; the proclamation published by Lord Mulgrave contains the words that they would be free, and in his lordship's personal addresses to them throughout the country the same thing is stated. They considered that they had been swindled out of their freedom by the white inhabitants, and I think that, acting upon that feeling, and having no confidence in the local Assembly, nor any of the representatives of the proprietors there, that upon an entire emancipation taking place, a much greater number will leave the properties and go into the lands of the interior, and become squatters, than would have done so had the apprenticeship system never existed, but still I do not think any great number will do this, for this reason, the negroes have a peculiar attachment to the place where they have been brought up, and where the graves of their ancestors are, and I am satisfied that if they were free to-morrow, the great bulk of the negroes would remain on the property, and continue to work for reasonable wages, as in the case of Scarlett's Mountain.

4271. You have spoken of the feelings of the apprenticed population; are you conversant with the feelings of the resident proprietors?—Yes, but there are very few resident proprietors.

4272. Or of the agents and managers?—In a great degree, in many instances there is a feeling of exasperation on their part.

4273. Have not the proprietors and managers a deep interest that, when the period of apprenticeship expires, the negro population should work for wages?—The proprietors would have, but I do not see that the managers have; the managers in general have but a slight interest in the question; the manager is no further interested in the question than he is in the salary he receives.

4274. But if the proprietors remain proprietors of the estates, even under the system of free labour, those estates must be managed and the free labour must be conducted by agents?—In many instances the proprietors would find the necessity of going out to their own properties. The large estates they may conduct upon the old system, but not the small estates.

4275. Have they not as deep an interest as any by-stander in this question, that when the period of apprenticeship expires, working for wages should be general?—The situation of an overseer is one that is very transitory; there are some few that remain many years upon an estate, but not generally. If freedom were established many plantations would be cultivated entirely under the direction of black managers, at a very cheap rate, and this the white managers very well understand.

A. H. Beaumont, Esq.

19 July 1836.

4276. Supposing they had a deep interest in the success of free labour at the expiration of the apprenticeship, do they partake in your view, that it would be expedient, in the hope of obtaining this end, to shorten the apprenticeship?—I believe the opinion of a great portion of the proprietors and managers is, at this moment, decidedly in favour of the apprenticeship.

4277. And of continuing it to the term fixed by the Act?—Yes.

4278. They differ from you in opinion, as to the probable effect of a growing indisposition to work for wages?—Possibly they have changed their opinions since 1834; but the fact is, they depend very much upon carrying on the system of apprenticeship long after it has ceased to exist by the existing law, and they contemplate doing this covertly by means of local regulations; for instance, there was a Vagrant Act passed in the year 1834, along with a number of other Acts. The real object of those Acts was very different from what appears upon the face of them; the object, as appears upon the face of them, would be to repress vagabondage, but that was not the intention; the real object was to give coercive power to the local magistracy over the apprentice; for instance, the British Act of Parliament declares, that any colonial Act which contains any clauses affecting the provisions of the British statute shall be void, but any subsequent statutes which do not refer merely to slaves by name, but comprised all classes of the people, but would practically only affect the apprentices, would be in force against them, so that under this Bill, to a very great degree, the negroes are put in the same situation by that vagrant law, in which the poor were placed in England under the English statute which passed in the reign of Edward the Sixth, for making slaves of the poor.

4279. Sir *George Grey*.] Is that Vagrant Act in force?—It was in force when I was in the island of Jamaica.

4280. Has it been disallowed or not?—I do not know.

4281. Do you believe that that Vagrant Act is now in force; or have you ever heard that it has been disallowed?—Until this instant I thought it was in force.

4282. Mr. *Buxton*.] You do not happen to know the period at which it was disallowed?—I do not; to the best of my belief it was in force up to the time of my leaving the island; but when the colonial Assembly have made a law and it has received the Governor's assent, it continues in force until it is expressly disallowed, and practically it would exist long afterwards.

4283. *Chairman*.] Did that Vagrant Act receive the Governor's assent?—Yes.

4284. Mr. *Buxton*.] Do you happen to know that that Vagrant Act was disallowed the day after the appointment of this Committee?—I do not.

4285. Sir *George Grey*.] Are you aware of the forms attendant upon the disallowance of an Act?—Yes.

4286. Are you aware that it must be by an Order in Council?—I am aware that it takes some time for the adjustment of preliminaries before the disallowance can take place; the Police Act is as bad as the vagrant law.

4287. Mr. *Buxton*.] Do you believe that the object of passing these police regulations and this vagrant law was for the purpose of continuing a modified system of slavery after the expiration of the apprenticeship?—It was decidedly for that object; many of the members of the House of Assembly declared it was for the purpose of continuing as much of slavery as they could.

4288. Sir *George Grey*.] Has not the disallowance of that Act put an entire check upon the effectual attainment of the object subsequently to the apprenticeship?—Certainly; the disallowance of that Act would be very advantageous, as far as that Act was concerned, but there are several others.

4289. Mr. *Gladstone*.] Was that Act enacted as a permanent law, or with a clause enacting that it should terminate with the period of apprenticeship?—I am not aware, but if once that Act remained two years upon the statute-book of the island it would have been revived and made permanent.

4290. Could it have been revived without the sanction of the British Government?—It would have been revived by annual Bills, possibly, and it would have continued as a matter of course till it was disallowed.

4291. Does not that disallowance occur generally within the lapse of a few months?—No, there is no reason why it should; there have been some extraordinary Acts passed in the island of Jamaica which were never disallowed. For instance, there is the Constructive Treason Act, passed in the year 1823 for a limited period, but it has been continued in the way in which I speak of, very silently but very effectually; it is passed triennally or annually. It is an Act under which persons may be hanged for treason for words spoken. This Act, the Acts continuing it from year to year, and various other similar Acts, such as the Rebellion Act, are

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in force as laws, though never specifically allowed. In the words of the Colonial Office, they have been left to their own operation.

4292. You are not aware whether this Vagrant Act did or did not contain a clause causing it to terminate with the apprenticeship?—I never referred to that fact. I knew the object with which it was framed, and it was intended to be made perpetual by direct or indirect means.

4293. Mr. *Buxton.*] You have stated your conviction that the object of the colonial Assembly in passing that Act was to introduce a modified system of slavery; do you think that if that system had been introduced the negroes would have ever obtained the true enjoyment of liberty?—Never.

4294. Do you think that the point which of all others deserves most carefully to be watched is the prevention of any Act which shall at all interfere with the liberty of the negro at the expiration of the apprenticeship?—If the apprenticeship expired, the negro would then have the same right of voting and all the same immunities that freemen now have, and I think in that case they would very well protect themselves. I think there would then be the control of a salutary public opinion, which at present does not exist.

4295. Do you think there will be a hard struggle on the part of the planters to introduce some system which should interfere with the liberty of the negro at the expiration of the apprenticeship?—The planters will not leave an act in which they will not try to do it, and they will succeed in almost every instance.

4296. Sir *George Grey.*] Do you think it important to check permanent legislation now by the colonial Assembly, at a period when the negroes as a body do not possess the elective franchise, and are not practically represented in the House of Assembly?—Decidedly.

4297. Mr. *Gladstone.*] Do you think that the constitution of the colonial Assembly, under the existing law of Jamaica, would secure the rights of the negroes after the expiration of the apprenticeship?—I think it would.

4298. Do you think that justice will be satisfactorly administered by the local magistracy after the termination of the apprenticeship?—I think it would.

4299. And by the courts as at present constituted?—In all questions excepting those in which slavery is directly interested, the juries are extremely good, and justice is very fairly administered by the common law courts, as between free persons; and I believe that when the apprenticeship is abolished, or, at the very most, a year or two afterwards, as the elective franchise will be exercised by a very large number of persons (for the slave would instantly become proprietor of land, and the qualification is extremely low, in fact, it amounts in towns to something very like universal suffrage), they would have ample opportunity of protecting themselves; and besides, a great number of the head men upon plantations are very talented persons, though many are not able to read and write; and I think that when the apprenticeship is abolished they will take sufficient care of themselves; and there would be the control of a great public opinion, which, instead of being directed, as now, entirely to the defence of slavery, would be directed to the maintenance of civil rights. I have no fear of the negroes protecting themselves if they are made free, if the colonial Legislature is not allowed to interfere by any laws which may apparently affect only free persons, but which are meant to affect the slaves particularly. This experiment of the colonial Assemblies, the Colonial Office, with the greatest anxiety to do justice, cannot always discover nor obviate; for instance, the clause the Jamaica Assembly introduced into the Police Act; there was no man that had not resided in the island of Jamaica that could know the real object of it. It was one by which, upon a list of runaways being sent in to a police station, it was to act as a general warrant to apprehend all persons named in that list; and the consequence was, that proprietors, especially those in the local commission of the peace, ordered the policemen to arrest apprentices, take them away from the control of the stipendiary magistrates, and send them away to the property.

4299*. Sir *George Grey.*] Do you think that the courts of law, as at present constituted, and the local magistracy, will afford a sufficient protection to the negroes when the apprenticeship has expired, supposing these obnoxious laws are not in force?—I think so. I have no doubt of it.

4300. Mr. *Buxton.*] Do you think it possible that persons that are brought up with those prejudices against the negro can administer equal and impartial justice between white men and black men?—I think they would, for this reason, when Lord Mulgrave was Governor of the island he was in the habit of having at his table coloured persons, the consequence of which was, that that hatred which

A. H. Beaumont, Esq.

19 July 1836.

existed between the castes in a great degree was destroyed. Blacks and whites and coloured men sit upon the juries together, and upon public occasions they meet together; and I think that upon the abolition of slavery entirely an entirely new system would exist; many managers themselves would be blacks or brown persons, because they would be got much cheaper; and, practically, now many estates are managed by black or brown persons who are slaves.

4301. Sir *George Grey*.] Do you think that that feeling which exists on the part of the whites, of the great inferiority of the black population has diminished, and that it will be more considerably diminished when the apprenticeship expires?—Decidedly, for this reason, in the large towns, where the elective franchise is in a great degree in the hands of the blacks and the coloured persons, there is a much better state of feeling now existing than did before; the parties are necessary to each other, and being independent of physical control, have learned to respect each other, instead of the one despising and the other hating.

4302. Mr. *Gladstone*.] Supposing the apprenticeship to continue, do you think it would be desirable, for the benefit of the negroes, that the functions of the colonial Legislature should be altogether abrogated, so far as regards questions between master and apprentice?—I do; I do not think they ever frame an Act with relation to the apprentice in which they mean to act honestly.

4303. You do not think the security which is afforded by the power of the executive and of the Government at home is sufficient?—No, for the reason I have given; a clause may appear to persons that are not acquainted with local circumstances to be highly expedient, which may be extremely tyrannical.

4304. Ought not the executive Government in the colony to be aware of those local circumstances, having its own agents distributed through the country?—In many instances the object of those agents and functionaries is not to put the Governor in possession of those facts; and besides, the Governor is not generally a permanent resident, and so cannot form a correct judgment himself, and if he depends upon others he is sure to go wrong.

4305. Do you think, as a general rule, that the stipendiary magistrates through the country are disposed to conceal the real state of things from the Governor, or that they have generally friendly communication with the Governor, and that any instance of a contrary course is an exception?—I know that were any person, whether a stipendiary magistrate or not, to represent to the Governor the real state of things, he would be extremely unpopular. Most men will not like to undergo the invidiousness which necessarily attends doing anything which is considered destructive of what are called the rights of property in Jamaica.

4306. Should not you apprehend great danger to the well-being of the island from such a measure, in consequence of the exasperation which it would create?—I do not think it would create any exasperation. Most reasonable men are of opinion that the functions of the Legislature of the colony had better be suspended during the operation of the apprenticeship.

4307. Is that the general opinion of the body of free persons in Jamaica?—Yes, particularly of proprietors and of the bulk of the militia, the black and coloured free persons. The principal objection would be from managers.

4308. Sir *George Grey*.] Then do you object to that part of the Emancipation Act passed by the Imperial Legislature, which left to the colonial Legislature the enactment of supplemental laws to carry out the principle laid down by the Imperial Legislature?—Certainly.

3309. Your objection is upon this ground, that the Government here has not the means of fully understanding the Acts passed by the colonial Legislature?—Yes.

4310. The clause in the imperial Act which devolves upon the colonial Legislature, to make supplemental laws to carry into effect the provisions of the statute, appears to you objectionable, and according to your view, the supplemental enactments ought to have been made here?—I should think they ought to have been, and there would have been no unwillingness in the colony that they should have been. When the compensation was mentioned in the colony, the value of the slaves had diminished almost to nothing. I have seen slaves for whom they would now require 100 dollars for their apprenticeship, sold at a public sale for 25 or 30 dollars; and this kind of property had so deteriorated, that when the compensation was given, this country might have made almost any terms they pleased.

4311. Is your objection now to the system adopted by the British Legislature in 1833, and not to the mode in which that system has been worked out since?—It

is to the Act as it stood in 1833, leaving that power in the colonial Assemblies; it appears to me, that there has since been great care in looking over the laws passed by the colonial Assemblies.

4312. You think that the evil which you have pointed out is an evil almost necessarily flowing from leaving it to the colonial Legislature to enact those laws?—Decidedly so.

4313. Mr. *Buxton.*] Were you a member of the House of Assembly?—I was.

4314. Did you propose the compulsory manumission bill and the abolition of female flogging?—I did, with the knowledge of the then Governor, Lord Belmore; it was in November or December 1831, and subsequently in 1832.

4315. Did the circumstance of your proposing those two Acts expose you to considerable odium in the colony?—Extremely so; I was the most popular man in the country, and I became very much the reverse, and was nearly ruined in consequence, and ultimately obliged to quit the island of Jamaica.

4316. Were you well aware when you left the colony what was the disposition and feeling of the members of the House of Assembly?—Yes; and I think I never knew it more hostile towards the black population than it was at that period. Their unceasing object was to manage to frame the laws with that adroitness, that they might re-enact as much as possible of the ancient system of slavery under a new name, and that they made very little secret about.

4317. Do you conceive that we ought, upon this side of the water, to view with great jealousy and distrust any enactments that proceed from the colonial Assemblies?—Certainly.

4318. Sir *George Grey.*] Are you aware whether the colonial Assembly view with considerable jealousy enactments proceeding from this side of the water?—Excessively so; in fact, in the colonies, they disregard the statutes of the Imperial Parliament. I will mention a particular instance of it. Even the special magistrates are frequently not aware of the very existence of the British statute professing to abolish slavery. There was a valuation of a negress in Kingston, in April 1835: they were valuing this negress under a colonial Act, by which they put a valuation of 120 dollars upon the freedom of that negress, who, if she had been sold would not have brought 20 dollars; and they came to the valuation in rather a curious way. They referred to the colonial Act to justify them. The woman had requested me to attend for her; and I suggested to the special magistrates, Dr. Chamberlain and Captain Connor, sitting as appraisers, with a local magistrate, called in as one of the appraisers under the Act, that they ought to refer to the British statute and not to the colonial Act; and the special magistrates told me that that was the first time they were aware of the existence of the British statute.

4319. What clause of the British statute did you refer to?—A compulsory manumission is prescribed by the British statute, which requires a fair appraisement to be made; but under the colonial Act they made a most unfair appraisement. They took the rate of value of the apprentice's wages for one week, and multiplied that by the number of weeks of the apprenticeship term unexpired, deducting one-third for contingencies, which included only clothing and the minimum price of medical aid, but making no allowance for sickness or for interest of money, or the risk of loss of life, or any of the deductions that would be made in a sale between parties.

4320. Was the second Act in Aid in force at that time?—I think it was.

4321. Did not that Act prescribe that there should be a deduction of one-third for contingencies?—Yes; but the construction they gave it was this; that by contingency you were to consider what the clothing of the slave would cost and medical attendance only. They took the utmost value of the negress's wages for a week; they deducted from that the expense of clothing, and, I think, the medical bill, and then multiplied that by the number of weeks of the apprenticeship term; but they made no allowance whatever for sickness, loss of life, for the interest of money from the whole amount being paid down. So that the practical effect was, that a negress whom any owner would willingly have sold for 30 dollars, was valued at about 120 dollars.

4322. Did you point out the particular clause of the imperial Act to which you conceived the Act of the colonial Legislature under which they acted was repugnant?—I did.

4323. Will you read the clause?—In the 8th clause it says, "That it shall be lawful for any such apprenticed labourer to purchase his or her discharge from such

A. H. Beaumont, Esq.

19 July 1836.

apprenticeship, even without the consent or in opposition, if necessary, to the will of the person or persons entitled to his or her services, upon payment to such person or persons of the *appraised value* of such services." It appeared to me that it was the spirit of the Act, especially being one in favour of liberty, that you should not require a larger sum for the freedom than would be required had she been sold to a third person; and that the words "appraised value" ought to be construed to mean honest, fairly appraised value.

4324. Does not that clause devolve upon the colonial Legislature the manner and form and conditions under which the appraisement shall be made?—Yes, but then this clause is controlled by another clause, which says, that nothing contrary to the British statute in a colonial Act shall be in force, but, *ipso facto*, void. Now, as the spirit of the British statute was that an honest appraised value should be put upon the slave, the colonial Act requiring a different appraisement was contrary to it, and therefore null and void.

4325. Did you point out to the magistrates that the transaction in which they had been concerned was against the law, for that the specific clauses of the colonial Act under which they acted were void, because repugnant to the imperial Act?—I referred them to the British statute, and the special magistrates said they were not aware of the existence of that clause of the British statute, nor were they aware that the statute existed at all; they said that they were acting under the colonial Act. When I again drew their attention to the British statute they said they should apply to the Attorney-General upon the subject, and they said they thought it an extremely hard case upon the woman, but that they considered themselves bound by the colonial Act; that the Colonial Office were better judges than themselves whether it ought to have passed, but as it was the law they would act upon it. The colonial Act says that the value shall be taken down, and from the value shall be deducted only one-fourth or one-third for contingencies.

4326. That Act to which you refer is the second Act in Aid which has since been disallowed?—I think so, but I have understood the practice is still in force, that they follow the form prescribed by the Act, which has been disallowed.

4327. Sir *James Graham.*] Does that formula of appraisement which you have described under the colonial law remain?—I have understood it to be still used.

4328. You understand that they still deduct one-third for contingencies, though those contingencies do not include what you think they ought to do?—I do; in other words, they make an apprentice pay from twice to three times as much for his freedom as they would sell it to another person for.

4329. Mr. *Gladstone.*] Do you mean that the labour of a field negress would be worth only 30 dollars?—This was not a field negress, but a very infirm person.

4330. Did the three magistrates concur in opinion?—No, Dr. Chamberlain did not; he said he thought the view I took of the question was right; Captain Connor said, as long as the colonial Act existed he must obey it; it appeared to him very clear in its words, though he regretted the necessity he was under of coming to that decision, and he agreed with the local magistrate.

4331. Sir *James Graham.*] Since this Act is now disallowed, how does it remain possible that this construction can be put?—There was a proverb in the island of Jamaica, that even the Acts of the island did not go beyond Stoney-hill, that is about seven or eight miles from Kingston, and in many instances having got into a habit of paying very little attention to the circumstance of an Act being disallowed, they still continue to act upon it

4332. Mr. *Buxton.*] Here is a statement of a prædial apprentice, named George Davison, valued in March 1836 at 230*l.* 11*s.* 9*d.*; do you conceive it possible that that valuation could have been fairly made?—No, I do not.

4333. Here is another, named Rosanna, for whom the sum of 92*l.* 8*s.* 10*d.* was paid, do you consider that could have been fair?—Decidedly not.

4334. Here is another, named Robert Grandison, an apprentice, for 100*l.*, do you think that could have been a fair valuation?—It is not impossible it might be, if he was a man that had made himself eminently useful, which he might have done as a coppersmith, or as a first-rate cooper, carpenter or mason.

4335. Mr. *Gladstone.*] You do not think that any tradesman upon an estate could be worth 230*l.* currency?—No, for this reason, that they can get, for 25*l.* to 26*l.* per annum, a very good free tradesman with the allowances upon the estate.

4336. Were you cognizant of many cases of manumission?—Yes.

4337. Was it usual for two special magistrates and one local magistrate to constitute a court of appraisement?—They always did.

A. H. Beaumont, Esq.

19 July 1836.

4338–9. Mr. *Buxton.*] Do not you think that it would be right that the negroes should appoint one person, and the proprietor or his agent appoint a second, and the Legislature appoint a third?—No; in that case I do not think it would be fairly done, because the negro necessarily must appoint a free person, and most persons in Jamaica are more or less interested in slave labour, and they have a leaning to make the valuation as high as they can.

4340. Sir *George Grey.*] Have you seen the mode prescribed in the Crown colonies?—I have not.

4341. Mr. *Buxton.*] If it would be unfair even if the negro should appoint one of the persons to act as appraiser, *a fortiori* is not it unfair under the present system?—Extremely unfair.

Veneris, 22° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Buxton.
Mr. William Gladstone.	Sir George Grey.
Mr. Charles Lushington.	Sir James Graham.
Mr. Thornely.	

MR. LABOUCHERE, IN THE CHAIR.

Augustus Hardin Beaumont, Esq., called in; and further Examined.

A. H. Beaumont, Esq.

22 July 1836.

4341-2. *Chairman.*] DO you wish to say anything in explanation of your last day's evidence?—With reference to a question which I was asked upon the last day, with regard to the number of special magistrates who have received pieces of plate, I wish to state some information I have obtained upon the subject. Amongst the special magistrates who have received presents of plate, are, besides Dr. White, Captain Dillon, who succeeded Dr. Madden, and Mr. Fitzgerald, son of the Knight of Kerry. This gentleman died before he received it, but the subscription to purchase it took place in his life time, and the plate, I believe, was subsequently presented to his widow. A similar present was recently made to a special magistrate in one of the midland districts, as I saw in the Jamaica newspapers. I think I am within the facts when I say, that six special magistrates have received such testimonials. It was intended to have given a similar present to Captain Connor; I cannot say if he got it. It is customary to make presents of plate and give votes of thanks to all special magistrates who please the planters. One of the subscribers to the piece of plate to Captain Dillon is now within the access of the Committee; his name is Mr. Delgado, and he resides at 13, Thrisbury Pavement. His opinions on these subjects are very different from mine, and I only mention his name to furnish the best evidence to the Committee.

4343. Sir *George Grey.*] Are you able to refer the Committee to the documentary evidence from which your information has been derived, with regard to the magistrates to whom those presents of plate have been made?—With regard to the present of plate made to Mr. Dillon, one of the subscribers, as I have mentioned, is at present in London.

4344. With regard to the others, can you refer the Committee to the newspapers from which you have derived your information?—No; but one of the committee, who is a subscriber to the piece of plate to Mr. Fitzgerald, is also in London, and this evidence appears to me the best that could be obtained as to the fact.

4345. You have said that votes of thanks were frequently given to special magistrates who pleased the planters?—I only know the fact from the circumstance of seeing the votes of thanks as published, and repeatedly published in the Jamaica newspapers.

4346. Were you in the habit of reading the Jamaica papers while you were resident in Jamaica?—Constantly; I stated this before.

4347. Have you been in the habit of reading them since?—Generally; I get them almost every month.

4348. Papers of various political opinions?—Yes.

4349. Have you frequently seen in those papers articles complaining very much of the conduct of the stipendiary magistrates, and speaking of them as persons hostile to the interests of the planters?—In the pro-slavery papers certainly;

A. H. Beaumont, Esq.

22 July 1836.

tainly; I have read paragraphs praising some of the special magistrates, and deprecating the conduct of others. There is another explanation I wish to make. In my preceding statement I said, that in taking off the crop it was sometimes absolutely necessary for the negroes to work thirty-six hours continuously. I have prepared a statement of the manner in which the crop is taken off, and the disposal of the negroes, for the purpose of showing how the thirty-six hours must be exacted if the same quantity of sugar is still manufactured by manual labour, and without additional or improved machinery.

4350. Does that refer to any particular estate, or is it a general statement founded upon your general knowledge of the mode of taking the crop?—It refers to an estate upon which I was nearly two years; but it would apply equally to all other estates making a similar quantity of sugar. I have made the statement with respect to an estate of five hundred negroes, making from four hundred to five hundred hogsheads of sugar, and from two hundred to three hundred puncheons of rum.

4351. Will you read that statement?

[*The Witness read the same, as follows*:]

STATEMENT to show that in many cases continuous Labour for 36 to 38 hours is required in the Manufacture of Sugar on *Jamaica* Plantations. This Statement is calculated with reference to an Estate with 500 Negroes, making from 400 to 500 hogsheads of Sugar and from 200 to 300 puncheons of Rum.

Non-Effectives:		
Sick and diseased - - -	30	
Yaws and Cocobay - - -	5	
Aged and incapable of work -	20	
Young children incapable of work under four years of age, and mothers lying-in - - -	50	
Permanent runaways - - -	10	
		115
Attending on non-effectives:		
Hot-house (*i. e.* hospital) black doctor - - - - - -	1	
Hot-house woman, midwife and attendants - - - - - -	3	
Yaws-house woman - - -	1	
Party men looking for runaways -	2	
Head ranger - - - -	1	
		8
		123
Partially effective:		
Mothers with young children at the breast, and who work two-thirds of the working day but do not keep spell - - - - -	8	
Hogmeat gang, young children from four to eight and very old women - - - - - -	40	
		48
Domestic Servants for Overseers and Book-keepers:		
Head house-woman for overseer's house - - - - -	1	
House-women - - - -	2	
Cooks - - - - -	2	
Laundresses - - - -	2	
Overseer's mistresses - - -	2	
Waiting boys - - - -	2	
Ditto to run after overseer - -	1	
Stable-man and boys - - -	3	
+Cutting grass for stable and bringing it there - - - -	2	
Water carrier - - - -	1	
+Attendant on book-keeper's barracks - - - - -	1	
Carried forward		19

Brought forward		19
Same established (less attendant on book-keepers) for the proprietor's agent - - -		18
		37
+Fowl-house women and girls -	3	
+Hogherd and boys - - -	3	
+Shepherds - - - - -	3	
Crabmen and fishermen - -	3	
+Fowler - - - - -	1	
		13
		50
Effectives:		
Tradesmen, &c. who work on the first gang when there is no occasion for their services as tradesmen:		
+Coopers - - - - -	6	
+Masons - - - - -	6	
+Carpenters - - - -	6	
+Blacksmiths - - - -	3	
		2
+Neatherd - - - - -	6	
+Grass cutters for pens - - -	6	
+Mulemen to bring grass to pens -	4	
+Moving cattle pens - - -	3	
Watchmen - - - - -	12	
		31

Cartmen and boys or girls vary in number as required. The men are taken out of the great gang, and of the two boys or girls for each, one is taken from the second the other from the third gang. The practice, which is not unusual, of employing girls, from 12 to 15 in place of boys, is a regulation by no means disagreeable to the cartmen, but not at all a moral improvement.

Permanent Field Labourers:		
+First Gang; able-bodied men and women - - - - - -	85	
+Three drivers (including head driver) and two cooks - - -	5	
Carried forward		90

Brought forward		90
†Second Gang; youths and girls from 14 to 18, pregnant women after four months, and partial invalids	70	
†One driver and two cooks	3	
		73
†Third Gang: boys and girls from nine to 14 and very old women, and pregnant females far advanced	61	
†Driveress and two cooks	3	
		64
		227

Recapitulation:

Non-effectives and their attendants	123
Partially effective	48
Domestic servants, &c.	50
Tradesmen	21
Miscellaneous duties	31
	273
First Gang (including cartmen and other duties not permanent)	90

[In relation to cane-hole digging I must bserve, that it is peculiarly adverse to the ropagation of the species; few women so mployed conceive. The work might be as ell done by the plough.]

Second Gang	73
Third Gang	64
Total strength	500

The number of domestics has been gradually ecreasing, and on some estates the establishment not above one-half of what is here stated; in thers I believe it to exceed the number here stated. Domestic servants, until the statute for emancipaon was passed, occasionally worked in "the field," specially if they were not of a high caste in reerence to complexion. The number of domestics is enerally in proportion to the number of females of ir complexion on an estate, and who are rarely put field labour in consequence of their approach to the ristocracy of complexion.

Status in Crop.

The effectives are divided into two spells, who ork alternate nights. The same boiler-men, stokers nd mill feeders, and indeed all the best sugar manuacturers, are generally kept on permanent duty uring the day, and are relieved alternate nights. he occasional or alternate night manufacturers on elieving the permament manufacturers continue the ork of the latter until relieved in the morning, and nen the occasional manufacturer proceeds to field abour during the whole of the day ensuing the night which he has been engaged in the manufacture.

Negroes liable to nightly spell marked in the preceding statement thus +.

Grass-cutters 2 and 6	8
Attendant on book-keeper	1
Fowl-house women and girls, hogherd, shepherd and fowler, &c.	10
Neatherds	6
Mule-men, moving pens, &c. 4 and 3	7
Tradesmen	21
First, Second and Third Gangs	238
	291
Deduct distillers, who do not keep spell, and the head driver, equally exempt	9
	2)282
Divide into two spells, each	141

Distribution of Labourers of Nightly Spell:

Boiler-men, syphon-men, patters, &c. for two sells of coppers	12
Boatswains (as are called the drivers) of two mill-houses	2
Mill feeders	8
Green trash carriers, to remove the cane trash after the juice is expressed and to stack it (two mills)	24
Dry trash carriers, to bring fuel (two sells of coppers)	24
Stokers or fire-makers	4
Boys for mule mill	6
Ditto for cattle mill	6
Attending on mules and cattle	6
Cartmen and boys or girls	36
Extra night watchmen	10
Truants from spell	3
	141

Some of the negroes are, as before stated, permanently employed in the sugar manufacture during the day, call it class A.; the others during the day are employed as cane cutters, cleaning canes, digging cane holes, cutting grass, &c., call this last class B.

When the crop commences, class A. is put on daily spell duty; they are relieved at eight in the evening by class B., who work all night till six in the morning, when they are relieved by class A.; class B. then go to field work; so the two classes A. and B. work as follows:—

	Hours.
Class A. in the field from 5 A. M. to 8 P. M. is	15
On spell till 6 A. M. the next day	10
At work in the field that next day till 8 P. M.	14
	39
Class B. manufacturing sugar from 6 A. M. to 8 P. M.	14
Their time of spell	10
Manufacturing sugar till relieved by class A. at 8 P. M.	14
	38

If the number of hands permits, each spell divides itself into two, so as to rest alternately; the one part orking and the others at rest, sleeping on the trash, which in such a climate is no hardship. But if there is deficiency of hands, from sickness and absence, or a pressure of work from bad yielding of liquor from the anes, that subdivision of spells is impossible, as the whole spell is answerable *solidairement* for the work, *e.* a syphon of liquor an hour, and from eight to nine skips of sugar for each set of coppers each night. nder the circumstances last mentioned the negroes do work 38 hours continuously, and I have known the uffering so intense, that young girls (dry trash carriers), who were otherwise anxious to preserve their chastity, ave prostituted themselves to obtain a substitute for a few hours, when they have thrown themselves on the ash, overcome with sleep. The long continuance of work before-mentioned occurs more frequently on weak anded sugar estates, particularly those which have not more than 200 negroes.

A. H. Beaumont, Esq.

22 July 1836.

4352. Mr. *Gladstone*.] How much do you deduct for meals?—In keeping spell there was no time allowed for taking meals, they eat as they find opportunity; in the field work there was a deduction of half an hour for breakfast, and one hour and a half for dinner.

4353. Sir *George Grey*.] Does that statement relate to an estate with which you are personally conversant yourself, so as to enable you to speak with accuracy as to its correctness?—It does.

4354. You resided two years upon that estate; what years were those?—Eighteen hundred and nineteen to 1820, about that time.

4355. Does that statement refer to what took place during slavery, or are you able to state that that is the way in which the negroes have been worked since the apprenticeship commenced upon that estate?—I cannot say as to that particular estate what change has taken place; but I should consider that there has been very little alteration; for from the quantity of labour which I know is necessary to take off a heavy crop, I am satisfied that, unless that practice were persisted in, they could not effect that object. A certain number of skips of sugar must be made, and to do it with less labour is impossible, as there is in general no improvement in machinery or otherwise.

4356. Is your information with respect to the manner in which that estate is worked now a mere matter of inference from what you have now stated, or are you able to inform the Committee that you yourself have seen the mode in which the crop is taken off that estate since the apprenticeship?—I have not seen the mode in which the crop is taken off on that estate since the apprenticeship, but if the crop has not fallen off very greatly, there can be no great diminution in the labour. The British statute coming into effect August 1834 could make no difference in the quantity of labour necessary for a particular purpose.

4357. How many hours in the week were the effective negroes worked upon the estate in the period of 1819 and 1820?—It was reckoned by no means a severe estate, and they worked at that time out of crop from about four in the morning till eight at night, with the intermission of half an hour for their breakfast, and an hour and a half for their dinner; the law said two hours, but I never knew it the practice to give more than one hour and a half.

4358. How many days a week did they work?—In crop time they worked six days and a part of the Sunday; for though there was an express law that the mill should not be put about after a certain hour upon the Saturday night, yet long subsequent to that law and up to the passing of the Emancipation Act, the fact was, that the sugar manufacture was carried on during a considerable part of the Sunday, I believe all over the island, certainly in many parts of it; I see no reason why the same practice should not exist now.

3359. Did they work six days in the week and part of the seventh at the period to which you refer, in crop time?—They did.

4360. Did they receive wages at any time there for any work which they performed?—They did not receive wages, but for extra time that they worked upon Sundays an account was kept, and it was returned to them out of crop.

4361. What proportion did the extra time bear to the whole period that they worked?—The only extra time taken into calculation would be when they were required to work during the whole of Sunday, which was occasionally necessary for cleaning coppers, repairing the mill, &c.

4362. What extra time would be allowed in a case in which the negroes worked six days in the week, and only part of the Sunday?—They would receive after the crop a certain number of continuous Saturdays; it was understood that the negro was only entitled to every other Saturday; it was the custom that they should have 26 Saturdays, and if the planters took the continuous Saturdays during the crop, they gave them an equal number of continuous Saturdays after the crop.

4363. Then for the five days in the week and part of the Sunday no extra time was considered to be included in that calculation?—No; if they worked in crop only a part of the Sunday, no return was made for it by wages or time.

4364. Do you mean to say that, under the apprenticeship upon that estate, the negroes have worked there for five days in the week and part of the sixth without receiving any remuneration at all?—I should think, taking the statement, that they have been working for what are called wages, but which are such

such a minimum as not to merit the term; and looking at the alleged fact, on the other hand, that there has not been any considerable falling off of the crop, that they must have been working a much greater number of hours than is supposed. The Committee will observe, that if any stranger went upon an estate, he would find extreme difficulty in ascertaining the details, because it would be thought very impertinent on his part to attempt to inquire into them; and the only mode in which one can approximate to the truth, is to take the fact of the crop not having fallen off; and, considering the time it requires to manufacture it, calculate what change is likely to have taken place, or could possibly have occurred.

4365. Are you able to state, from your own personal observation or from any certain knowledge, that the negroes, since the apprenticeship, have been worked upon that estate without wages for the same number of hours that they were worked before without wages?—I do not mean to make that estate any particular exception, because I believe it is as humanely managed as any other, I only state the quantity of time necessary to take off the crop; and I believe that pretty nearly the same practice must exist upon all the estates in the island at the present moment.

4366. You think that is only an illustration of the general system, and that the same practice is going on at present upon other estates upon the island which have about the same number of hands?—I should think there can be but very little difference; if a certain quantity of time or labour is necessary to manufacture a given quantity of sugar, and that given quantity still continues to be manufactured, then the same quantity of labour or time must be exacted in some way or other.

4367. Do you know more about this estate than about other estates since the apprenticeship has come into operation?—No, there are some other estates which I know much better; for instance, I know Witney estate in Clarendon. I know that the negroes themselves in general are impressed with the propriety of the crop being taken off, and that they do not hesitate to make very considerable sacrifices, that it should be taken off before the rain-season commences.

4368. Do they give their labour under any compulsory process beyond the forty-five hours a week, or do they make bargains with their employers for wages for the extra time?—I think that in the arrangements that have been made by the negroes for the hire of their extra time, they have been persuaded to dispose of a much greater portion of it than is consistent with their own well-being; and that they have disposed of it at an infinitely less sum than that labour is worth; and considering, as I stated before, the character of the special magistrates who act as the judges to determine whether the bargain is a fair one or not, I am fully impressed with the conviction that in many instances the bargains that have been made are fraudulent.

4369. *Chairman.*] Are those contracts that have been made between the negro and the planter for any long space of time?—They are generally made, I believe, for twelve months, however the mode in which they may be made is pointed out in one of the clauses of the British Abolition Act; the majority of the slaves bind the minority, and the special magistrates may ratify an agreement made between the proprietor or manager, and the majority of the slaves; and that agreement then, whatever it may be, becomes binding upon both parties.

4370. Does not it appear to you that, although at first the negroes may have been deceived as to the real value of their labour, they will soon become informed of what is the real value, and will not fail to insist upon obtaining it?—It does not appear to me that they have any means of obtaining that information. In the first place, from whom could they possibly get it? The negroes living about the towns can get it, but those living in the country where there is very little facility of communication amongst the inhabitants, except by persons travelling upon foot, who, being negroes, do not know the fact, and by gentlemen travelling about the country in their carriages, who very seldom do communicate any thing to the slaves. The negroes have very few means of information.

4371. Are they not generally acute and intelligent in money matters?—Very much so.

4372. Sir *George Grey.*] Are you to be understood to state, that the negroes give their extra time for inadequate wages, in your opinion, owing to the negroes not being well informed as to the real value of their own labour?—I think so; and

A. H. Beaumont, Esq.

22 July 1836.

and because the proprietor of an estate has in effect a monopoly of the labour of the negroes on it.

4373. Mr. *Gladstone.*] You say that the negroes have little means of communication; are they not in the habit of seeing the negroes on task gangs, and have not they the means of ascertaining from them the wages received for their labour; and are not they in the constant habit of resorting to the towns for the purpose of marketing; and does not this afford them the means of knowing the value of their labour?—I should think not; the special magistrate has made a certain agreement for them with the manager, by which they are to get a certain minimum for their wages; negroes on other estates have been persuaded to make similar arrangements; and though they are very acute in making a bargain in matters which they understand, yet in these new arrangements of disposing of two or three hours of their labour in a day, it does not appear to me that they have at present sufficient information to make the bargain.

4374. The question is, whether there are not means of communication among the negroes, and through the community generally, sufficient to enable the negroes to know pretty well what the value of labour in the market would be at any particular time?—No, for this reason, that there is no competition of labour; the question is put as if labour was a commodity in the market, and the negroes might communicate with one another to know the value of that commodity; but this is not the case; the negro must either sell his time to the manager or proprietor of the estate, or not to any one else; there is a monopoly on the part of the proprietor, for if the negroes cannot work for him, they can work for no one else in the extra time; and the manager, by fixing the manner in which the time or labour given the proprietor by the Act shall be spread over the week, can compel the negro to sell the extra time for any sum the proprietor pleases; were the negro even able to offer the extra labour or extra time of any day to any one but the proprietor of the estate where he lives, the whole of that extra time would be spent in going from the estate where he is domiciled to that on which he is to work. The proprietor has in fact a monopoly of the extra time, and that is one reason why the managers prefer to work out the time they can enforce by making the working day eight instead of nine hours.

4375. Supposing that allegation to be correct, does not that allegation go to show that there is not a free circulation of labour, and not that the defect lies in point of adequate knowledge on the part of the negro?—No, for if the negro were aware of the extreme value of his labour, he might insist, and in some instances I have no doubt very acute ones do insist upon a higher rate of wages; but I heard one gentleman say that the rate of wages was a penny or penny halfpenny an hour; and that amount is in fact so small as to be a fraud.

4376. Do you mean to say that no negro ever does work for any one except his own master?—In the negro's own spare time, I do not know any instance to the contrary; the custom of the country is decidedly against it. If any proprietor of an estate were to hire the negroes of another estate, contrary to the will of the proprietor of that other estate, he would be looked upon as an enemy of the country; it is not respectable to do so. In point of fact, such a state of things could not exist, because it is contrary to the feelings of the managers, who represent what is called colonial public opinion.

4377. Sir *George Grey.*] Are not you aware that the practice has subsisted since the apprenticeship came into operation, and that the apprentices upon one estate, if they have not been able to make an arrangement with their owner, have in fact engaged their services for hire to the owners of other estates?—I heard of it in one or two instances, just before I left the country, and I heard the persons extremely ill spoken of for doing it. This could be done only where estates were uncommonly contiguous, and could not be a general rule.

4378. Mr. *Buxton.*] When slavery existed, was a distinction made between allowances and indulgences?—There was no other distinction between allowances and indulgences than this, that when the negroes were digging cane holes there was a certain quantity of sugar and rum allowed them, to make what they called beverage; that might be withheld, if the negroes did not work to the satisfaction of the manager; but the other allowances were quite matters of course, they were not indulgences.

4379. Do you know whether the negroes, in the bargains they have made with their masters, have assigned their extra time in consideration of the allowances

to

to which they were accustomed when slavery existed?—In many instances they have.

4380. Sir *George Grey.*] On what estate?—I will mention one in particular, Knockaloa plantation, in Hanover. The overseer, Mr. Young, who had been in the employment of Mr. Miller, told me that it was the practice generally among the overseers to withhold the allowances from the negroes, that he thought it an extremely bad plan, that he had called them up, and observed, that he wished every thing to go on as it had done before; that they should receive the same allowances as they had done before; that the children under six years of age should not be compelled to quit the estate, nor be deprived of the allowances that had been usually given them, upon condition that the negroes would work during the five days, that is exclusive of Saturday and Sunday, in the same way as they had been in the practice of doing before, and he said that that arrangement had worked extremely well, and that he had no kind of difficulty whatever with them; he found them very reasonable. I understood afterwards it became very general amongst the negroes to sacrifice a considerable portion of their surplus time for those allowances.

4381. Do you believe that to any considerable extent the negroes have been either deprived of the customary allowances which they had during the state of slavery, or received them in exchange for their extra time?—I believe in the case of almost all estates, that there has been an understanding either expressed or implied, that if the allowances were given a certain portion of extra time was to be given in return by the negroes to the proprietors. I know that the planters, in a body, upon one occasion, took the opinion of a gentleman who had been Attorney-General, Mr. Batty, upon the subject, and also took the opinion of Mr. Watkis. Mr. Watkis's opinion was, that the negroes were entitled to all the allowances precisely as they had been anterior to the passing of the British statute.

4382. Mr. *Gladstone.*] Whether legal or customary?—I do not know the difference.

4383. Does not the whole question turn upon that difference?—No, because slavery never existed in the island of Jamaica by any law. There is not a single statute, either of Parliament or of the Jamaica Legislature which ever made slaves of his Majesty's black or coloured subjects born in the colony; it is only by customs which grew up in the colony. The allowances are a part of the custom, and the planters have no right to accept that part which is against the slave, and reject that portion of it which is in his favour.

4384. Did not the allowances exist by law?—A great portion of the allowances did not exist by law.

4385. Was Mr. Watkis's opinion that those allowances which had been given by custom only were as much the due of the apprentice as those which were given by specific enactment?—There was a law passed called the Consolidated Slave Act, which imposed certain penalties for not giving certain allowances; but it did not repeal or destroy that custom which co-existed with slavery of giving those allowances, it only enforced some of them by a penalty; slavery existed as a custom only. There is, I repeat, no law sanctioning slavery of British born subjects; it is only a custom which admitted the system, and along with this custom were those allowances. The Consolidated Slave Act imposes penalties for not giving certain allowances; but it does not say that other previous allowances given shall be withheld.

4386. Was it Mr. Watkis's opinion that the apprentice was entitled to all the allowances, of whatever kind, which he had received as a slave?—It was; that he was entitled to the possession of his cottage, to the ground attached to it, and to the provision grounds, and to be in every respect in the same situation with regard to his advantages as he was with regard to disadvantages. The British Legislature had made the statute creating the apprenticeship with reference to him in his existing condition, and that none of those advantages could be taken from him.

4387. *Chairman.*] Do you draw the distinction between his cottage and his garden, and what are properly called allowances?—Yes, but they were all equally his property.

4388. What do you mean by allowances?—His clothing, and some other necessaries; there is a certain quantity of oatmeal, or something in lieu of it, given

A. H. Beaumont, Esq.

22 July 1836.

to women who have children, who have also a certain quantity of sugar; a certain number of herrings are given likewise every week to them, and they are entitled to medical attendance.

4389. Did the negroes always draw the distinction between what you have now described as more properly called allowances and the tenure by which he held his cottage and his garden?—No, the negro considered he had a right of property in them all.

4390. But the allowances were sometimes suspended or withheld for misconduct?—I have known them withheld or suspended. Upon an estate, generally, if a theft had taken place, and it could not be found out who had perpetrated it, the manager frequently suspended the allowances of the estate till it was discovered.

4391. Do not you infer from that that the negro drew a distinction between those allowances and his house and garden?—No, I do not think so; the negroes generally thought it an act of oppression that they were compelled to suffer for the faults of others; but I do think, in a state of slavery they could not have carried on the estate without that power being vested in the managers, and it was not very often exercised.

4392. Do you believe that the negroes considered themselves agrieved generally by the allowances having been withheld in many cases since the passing of the Emancipation Act, unless they agreed to give some portion of their time for them?—I have heard them in general express themselves thoroughly angry about it.

4393. Have not you stated to the Committee that on those estates where a reasonable arrangement was made in that respect it seemed to give satisfaction to the negroes?—I will not say a reasonable arrangement; I know that the negroes, in order to preserve their allowances, in very many instances have given up a certain portion of their time; for instance, in the case I mentioned yesterday of Scarlet's Mountain, where 100 negroes, who had been made free for not being properly registered, gave up four days in the week in consideration of the allowances; but then it was in consideration of being allowed their cottage and the use of the provision grounds; it was an advantageous arrangement for the proprietor.

4394. Mr. *Gladstone.*] Those were men absolutely free, and they could have no claim any longer for any allowances connected with the state of apprenticeship or to their lands?—What right they might have to the land they had been occupying, is a question too nice for me to answer.

3495. You have adverted to the case of a particular estate; do you know whether or not the crop upon that estate has been materially diminished since the apprenticeship?—I understand that the crops have not materially diminished; I may be misinformed.

4396. Would you think it incumbent upon you to infer that if the same crop was taken off it was necessarily taken off at the same expense of labour to the apprentices, or do you not rather think it probable that if the apprentices have been working for wages in taking off the crop, they have done a much greater portion of work in less time than they did in the time of slavery?—No, in the time of crop, that is, generally speaking, impossible, because there is no mode whatever, unless by introduction of machinery, by which you can increase the facility of taking off the crop; in a certain portion of time a certain quantity of sugar will be manufactured, and you cannot, by all the industry possible, make the water evaporate out of the cane juice in a less time than it did before the creation of the apprenticeship.

4397. Are there not many other kinds of labour connected with taking off the crop with which the willingness of the labourer and his own interest in the employ would accelerate the work?—It would accelerate it, but not to the degree that it would the work out of crop.

4398. You said that upon this estate the negroes worked from four in the morning till eight at night, with two hours of interval for meals; was that statement meant to extend to crop time?—No, it was out of crop.

4399. And notwithstanding that you said it was not a severe estate, but one humanely managed?—Because the next estates used to turn out in the morning at two and three.

4400. Is it your impression that, during the period of slavery, the negroes generally worked for fourteen hours in the day out of crop time?—The system slightly

slightly modified itself after the resolutions of Parliament in May 1823, and, I believe, a short time previous to the passing of the Emancipation Act the negroes did not turn out before about five o'clock in the morning, and returned home shortly after seven.

4401. With the same intervals for meals ?—Yes.

4402. But you think that, in the years 1819 and 1820, they worked for the period that you have described ?—I am quite positive about that, because I saw it done.

4403. You have said that you consider the negro incompetent to form contracts advantageously for himself, and the special magistrates generally unfavourably disposed towards him; is there any remedy then, that you can suggest, and do you think, in case of absolute freedom, the negro would be competent to form contracts favourable to himself ?—Yes; because then you are left to competition. The labourers' market would be open, the negro would carry his labour to the person that would pay him the best for it, and the proprietor would look for the best labourer; and then the rates of wages would regulate themselves, as is done here. This is a question that has been discussed ever since the time of Edward the Third. In this country Parliament has attempted, repeatedly, to regulate the matter between the landlord and labourer; after passing statute after statute, either uselessly or michievously, they found that the best plan was to leave these matters alone to adjust themselves.

4404. Do you think, as a question of political economy, that after a state of the labour market entirely different, it is desirable to launch at once into absolute freedom of the labour market ?—There are great advantages that the master of an estate would necessarily have over any competitor, supposing the negroes were free; the general opinion seems to be, that the proprietor would have a right to expel the negro when absolutely free, from his cottage and his garden, and the negro would not wish to leave them; they have a peculiar attachment to the place where their ancestors' graves are, and where they have been themselves brought up, and they would give their labour to the master for a less sum than they would to any other person. If, on the other hand, the master were extremely unreasonable, they would have an opportunity of quitting him, and making an arrangement with some other person, and therefore it would be the mutual interest of the two parties to conciliate each other; and this they would do in every case, as was done at Scarlet's Mountain.

4405. But, as in a time of slavery, there can be no such thing as contracts for labour between the master and the slave, is it your opinion that it would have been wise to go at once into a state in which the negro should have the unlimited disposal of his own labour; and do you think the negro would have been competent to dispose of his own labour in the most advantageous way ?—I think for a few months, advantages might be taken of the negro, but as he would be a free agent, able to dispose of his time as he pleased, he would come to a very reasonable and fair arrangement with his master. I think they are acute enough to protect themselves, provided they are put upon terms of equality with the manager or the proprietor. The negroes in British settled colonies are differently circumstanced from those in the conquered colonies. In the settled colonies, negroes have been accustomed to English elections; to the working of a system of qualified popular representation. When the negro became free, he would at once enter into the system; he would become a part of the public; his voice would be a portion of popular opinion. Practising, along with the rest of the community, the principle of self-government, he would respect himself, value his own rights, and know how to make the most of them, thereby contributing the most to the general welfare. In the conquered colonies, where democratic representation has no vestige, the condition of the freed negro would not be equally advantageous, and he might require protection; and I dare say, in that case he would.

4406. In point of fact, can you apprise the Committee, of your own knowledge, that in any case since the apprenticeship began, more than ten hours has been exacted from the negro during the day, and if so, how much more ?—That is a question which it is wholly impossible for any man directly to answer, unless you have the manager of an estate before you, and he chooses to answer it. No planting attorney can answer it, because there is no set of men who really do know less about the active managing of an estate than planting attornies do, although

A. H. Beaumont, Esq.

22 July 1836.

although these gentlemen are put forward as persons who must have an immense deal of knowledge upon the subject. The putting forward an extensive planting attorney as the best witness as to the opinions and character of negroes is a delusion on the Committee, and I will state my reasons for this assertion. Persons who are called *par excellence* planters and planting attornies, in general have been young men sent from Scotland, and are occasionally the sons of Jamaica proprietors, born in the island. The last being brought up very much amongst the negroes, know their habits, their romances (for negroes who cannot even read, have, notwithstanding, a traditional literature, and some of their fables and tales are contrived with great ability), their superstitions and opinions; but an imported planter knows nothing but how the greatest quantity of sugar is to be obtained out of the greatest quantity of labour. He emigrates to the colony when about 19 or 20; he follows the negroes in the field or in the boiling-house two years, when he is sent to the still-house or distillery, and then he is made a manager. As he keeps perfectly aloof from the negroes, so he generally knows nothing about their real character and opinions but what he has obtained from his black or brown mistress, which every young planter (or book-keeper as he is called, though he has no occasion even to look at a book of any kind) keeps and changes either at caprice, or as he changes the estate on which he is learning to become a planter. When the book-keeper becomes a manager of an estate, called in Jamaica an overseer, he in general performs his duties through the negro headmen, who know the routine of the business a great deal better than he does. When he becomes an agent for proprietors, or what is called in Jamaica a great attorney, he may have from 30 to 50, 60 or even in one or two cases, 100 plantations under his control. He pays to each an annual visit of a day, when the negroes are to receive their clothing, rides round the canes, says a few words to the head-driver, commends or finds fault with the manager, dines and possibly sleeps at the estate, then proceeds to another plantation for the same purposes. Such a man does not know, and cannot know anything of the real feelings and opinions of the labouring population, therefore they are often mistaken in their judgment on the subject, and one of the greatest mistakes they have made is in the apprehension that negroes will not work for wages. An extensive planting attorney knows as little of the characters and opinions of the negroes on the 30 to 100 plantations nominally under his care, but really under that of the black headmen, as does the Skinner's Company in London of the character of the Irish peasantry upon their estates in Ireland. I have known many estates practically managed by black men; thus Mitcham, in Westmoreland, was very well managed by a black man in the name of the overseer, who was constantly drunk and never went into the field, but left every thing to the black head-driver. Gentlemen, like Mr. William Miller, who represented the proprietors of half a hundred estates, only managed them nominally. He usually lived in the town of Falmouth, and left the management to the overseer, who, in fact, managed by means of the headmen. I have known estates managed for weeks together entirely by the blacks, and very well managed. The idea that an extensive planting attorney in Jamaica necessarily understands the characters and opinions of negroes, is therefore quite a delusion on the Committee, who will find that every honourable man amongst them will be obliged to admit that his opinions respecting black men are constantly proving erroneous. There is no mystery about the management of a sugar estate. Any proprietor of common sense who had never been in Jamaica, would, on going there, manage with the aid of the negroes as well and better than do these planter-educated managers. My cousin, Dr. White, who had been bred a physician, took charge of his father's estate, Oxford, and considerably increased the crop, though he was not bred a planter. Dr. Samuells, of Westmoreland, does the same thing in Westmoreland; Mr. J. M. Whyte, who had been an officer of the Guards, was a very able agent for proprietors. Dr. Robertson, a planting agent, and a very good one too, for a considerable number of plantations, was never educated as a planter, but as a medical man. The estates of which I practically know the management are Garredu, in Trelawney; Meytersfield, Petersfield and Bath, Westmoreland; Dean's Valley, Bellisle, Frome and Tantobelle, Dyworks; Bog, St. Elizabeth; Whitney, Clarendon; Oxford and St. Jago, Manchester; Bushypart, St. Dorothy; Hope, St. Andrew's; Knockpatrick pen, Manchester; Swansea, St. John; Lacona, St. Elizabeth; Twickenham Park, Cross, Caymunas Ellis and Caymunas Dawkins, St. Catherine, and a great many others.

4407. Do you think that a correct delineation is applied to the class generally? —I do think that the character I have given of planting attornies to be quite correct. I do not intend my observations to apply in respect of managers or planting attornies to the estates I have particularized; on the contrary, on most of the estates to which the list refers, the management was very humane, and the managers on good terms with the negroes.

4408. Do you know any other class of men who are more competent witnesses? —The best possible witnesses would be the black head-men upon the different estates, who really do the business.

4409. Do you know any class of men accessible to the Committee, in this country, who are more competent witnesses?—No; the Committee is, in point of fact, to a great degree, legislating in the dark, because you can only know the feelings of men who feel in a particular way, for the most part adverse to the interests of the labouring population. There are a great number of men, myself among the number, who cannot give you the accurate information that those black persons could, who really do manage Jamaica plantations.

4410. What would you say of the opportunities of an attorney of acquiring information and knowledge among the blacks, supposing him to be an intelligent and energetic, and a right-minded person, as compared with your own?—As it is not, by any means, thought respectable to associate with negroes, or to know anything about their manners and habits, few planters know much about them. I know only one exception to the general rule, and that is, in the case of Bryan Edwards, the historian of Jamaica. I believe he is the only one who has ever taken the trouble of inquiring what were their opinions; there is also possibly another exception in Mr. Long, another historian of the island, but he looked upon negroes as a species of monkies.

4411. What would you think of the opportunities which a manager might enjoy, if he pleased, as compared with those which you yourself enjoyed?—Not so great; because my relations were all proprietors of slaves, and I was in the habit of living amongst them from my childhood, and as is the case with children of most proprietors, a sort of attachment grows up between them and the slaves, and we certainly understand more of their habits and dispositions, and they are likely to be a good deal more confiding in us than they would in utter strangers, for whom they have frequently a deep detestation; for, in general, the negroes very much dislike the white men put over them.

4412. Did not you state that a portion of those managers are sons of proprietors?—A small number are, and if you had here the manager of an estate, who had been brought up in his early life in the colony, I should pay a great deal more regard to his opinion than I would to that of the usual run of the profession. It is the rule with all planting attornies never to interfere with the details of an estate, and they know, in fact, nothing of them; it is left entirely to the overseer as long as the crop is made, and the negroes are not discontented; the planting attorney never interferes; it is a rule not to interfere.

4413. Do you mean to state that you have had more opportunities of becoming accurately acquainted with the rate of wages received by the negroes since the apprenticeship began; the number of hours that they are worked upon the estates, and the mode in which the special magistrates conducted their duties, and with the printed regulations, under which those magistrates act, than an extensive attorney, with the charge of various estates in Jamaica, and personally superintending them?—I think I have, considerably, as to the actual facts.

4414. Will you state the precise rate of wages upon any estates that you remember in Jamaica, which were received during the ten months that you remained in Jamaica after the apprenticeship came into operation, and the means you had of obtaining the information?—I will state what Mr. Lyon told me, the special magistrate for Saint Thomas in the East, and who was sent there at the time it was in a very disturbed state.

4415. At what time?—In January, I think; but it was about the time the Belvidere trash houses were burnt. He told me that he had found no difficulty in making arrangements with the negroes, but that in general the managers and proprietors were unreasonable; and that, as the apprenticeship had only commenced, as a matter of accommodation he had arranged the wages for the first time, but he thought they were much less than the slave was entitled to; but that as the slaves had been persuaded to be satisfied with them by the head-men,

A. H. Beaumont, Esq.

22 July 1836.

he could not make any alteration; and I think he told me the arrangement upon most of the properties in that district was, that they were to receive, in some cases 1 *d.*, and in other cases 1½ *d.* an hour for extra time. I have no doubt that in many cases the negroes were defrauded as to the quantity of time; and certainly the planting attorney was not likely to know more than myself; the difference between the supposed and real amount of wages, as fixed by the extra time, agreed to be given in exchange for a certain quantity of money, and that quantity of time, in point of fact taken. I used the word "time" to denote "labour for a time certain."

5416. Do you conceive that the attorney who had the charge of those estates was ignorant of the rate of wages paid?—He would, of course, know the rate at which the wages were understood to be paid, because he would have the paying of the money, but the real rate he might not know.

4417. How do you establish that opinion, that you have had better means of information as to the rate of wages paid in Jamaica, since the apprenticeship began, than the attornies of the estates, who actually paid the wages?—I understood the question to be put with reference to the rate of wages, not in particular instances, but generally throughout the island; in particular instances, of course, the attorney who paid them could give, generally, the best evidence as to the amount paid, but not as to the actual rate of wages.

4418. Then you think the Committee might rely, with more certainty, upon the evidence of an extensive attorney as to the actual wages paid in particular instances, than they can upon your evidence, looking at the means of information you possess?—He can give the best evidence as to the sum of money he paid, but as to whether a greater or a less number of hours work was required from the negro than had been contracted for, he could give you no evidence at all.

4419. What evidence can you give upon any estate as to the number of hours contracted for by negroes for a particular rate of wages, and as to the adherence to that number of hours?—I understood from the negroes in the parish of St. George, and I have great reason to believe that it occurred in St. Mary's, that a considerable number of hours beyond that which had been agreed for was required from the negroes. The negroes themselves told me so, and I believe they stated the truth. I look at the quantity of time required to make the crop, and therefore I believe no statements which tend to prove that the negroes do not work (including the time taken under the law, and that paid for by nominal wages) a longer period than that which is asserted, and which period would not be sufficient for the purpose, supposing the crop not to have fallen off.

4420. Do you mean that to apply to the time that they had bargained to give their masters, or that other hours were added by fraud on the part of the employers to the ten hours a day, that they were compelled to work?—I meant to state, that in most instances, the negroes have not made a bargain which is fair, as respects them.

4421. And this fraud was by adding to the time which they are compelled by law to work?—Yes, but I believe in many instances they were deceived with respect to the time. I gave some of the negroes in St. George's an hour-glass, that they might ascertain the fact for themselves, and they told me afterwards that the overseer had come into the field and broken it, and said they had no right to have one. This occurred three times.

4422. Then, as to the facts of the rate of wages paid, and the number of hours work, do you conceive that an extensive planting attorney is a competent witness before this Committee upon the subject, and that the Committee may extract from him, supposing he speaks the truth, correct information as to those points?—He could only say that an agreement had been made, by which a certain number of hours were to be given for a certain amount of money, but whether more or less hours have been taken, in point of fact, he could not say; he could only say that a particular agreement had been made. Now, the best evidence of that particular agreement would be, the return of the special magistrate itself, but it would be no evidence of the time the negro really worked.

4423. You adhere to the opinion you expressed before, that the Committee are not to put the slightest confidence in the returns of the special magistrates?—I did not state that the returns are altogether false; I said that, in all matters which the special magistrate had any interest in concealing, he would (speaking generally) do so; but I can conceive no interest that they would have in falsifying with respect to agreements for wages; they are, I believe, made in writing.

ing. I said that I did not believe the returns as to the amount of punishment, nor do I, speaking generally.

4424. You think that, irrespective of punishments, the Committee may place confidence in the returns of the magistrates?—I would not say generally, because I do not know what the returns are; but I should say, with respect to the rate of wages agreed upon and the quantity of time, that they would be correct, as far as they knew.

4425. Mr. *Gladstone.*] You think that where the special magistrates have no interest in stating what is false, they will state what is true?—I think they will.

4426. You complained that the time of the negroes had been fraudulently measured, but to your knowledge or belief, in any case, are the negroes avowedly worked more than ten hours a day in compulsory labour?—Not avowedly, but I do believe that the fact is so; because when I know that the law is, in many instances, set at defiance, in matters where there is not so much temptation to do so, I infer that they are capable of doing it in a matter where it is very much their interest to do so. For instance, I know that there was a woman brought up in *habeas corpus*, belonging to Lord Seaford's property, Montpelier, with a collar round her neck and a sort of spikes in it. Now, when I know that the manager did that in defiance of the law, when I see women working repeatedly in chains, and I know that that is contrary to law, I of course believe, that in working them upon the estate where there is so much temptation to extract the greatest quantity of labour, the planters will not regard the law. The overseer's reputation depends upon getting the greatest possible quantity of labour produced. There are amongst the managers many exceptions to this rule, men who would not commit the least injustice or cruelty against a negro or any one else. My observation is, however, generally true as to the disregard of faith in Jamaica in transactions between planters and slaves or apprentices.

4427. Sir *George Grey.*] Are you cognizant of that case you have mentioned of the woman brought up with a collar?—There was a case in which that happened I know.

4428. Are you aware that notice was taken of it, and that the individual who acted as a special magistrate upon that occasion is no longer a special magistrate, and that that circumstance is an exception from the practice which has been disapproved by the highest authority in the island?—I know that if my friend Mr. Watkis had not brought it forward, which he did with very great injury to himself, that that human being would have remained in the same state, with the collar round her neck. If I were to return back to the island of Jamaica, and I heard of such a case, I should think the wisest course that I could take would be to say nothing about it, for it would be only ruining myself, and doing no great practical good after all. I know that advocating the negro's rights greatly injured Mr. Watkis, to the extent of a great part of his practice as a barrister in the island.

4429. Are you aware that information of that case was sent to Lord Sligo?—Of course it would be, when the *habeas corpus* was moved for and the decision made; but the special magistrate did not afford legal protection; it was enforced by an individual not connected with the Government in any way.

4430. Are you aware that when that case was represented to the proper authority, a check was put upon such a practice in future?—They could not well refrain from doing something. A case of great atrocity, when forced before the Government, will be punished, but I am not aware that the manager in this case was prosecuted.

4431. Do you refer to that instance as a single instance of the punishment you have described, or do you give it as a specimen of a punishment common in Jamaica?—The proceedings upon plantations are very secret, and those cases may repeatedly occur, and I believe do often occur, without being known.

4432. Have you heard of one single person, besides that one woman, who was so punished?—I have heard, as a mere vague rumour, that the practice is common.

4433. Mr. *Gladstone.*] Since the apprenticeship?—So I have heard; it did occur and was accidentally discovered; it may occur in other instances and not be discovered.

4434. Sir *George Grey.*] Did you inquire upon what estates that practice had existed?—No, it was of no use to do so; I could not prosecute the inquiry; I heard it as a general remark.

A. H. Beaumont, Esq.

22 July 1836.

4435. Did you make any further inquiry?—No.

4436. Mr. *Gladstone.*] Did you ever hear its existence from any special magistrate?—Dr. Palmer told me that he believed that flogging and the flogging of women was common enough.

4437. The question referred to wearing collars?—I mean my statement to apply to general ill-treatment of the negroes, wearing collars and general ill-treatment. I was speaking to Dr. Palmer about the difference between slavery and apprenticeship, and he, refering to the original state of slavery, when a magistrate might put a collar on a slave, said that he believed the same atrocities were practised since the apprenticeship that were practised before, but he did not particularize the collar, for I did not particularly draw his attention to that question. Negroes are, I believe, often cruelly confined in cells, under pretext of keeping them in safe custody in plantations, to await the special magistrate's adjudication.

4438. *Chairman.*] Do you mean to say that you have yourself frequently seen women working in chains?—In all cases in the workhouse gangs they do work in chains.

4439. Mr. *Gladstone.*] You have not heard of any other case in which a collar has been put upon an apprentice, nor has any special magistrate told you that he was cognizant of such a case?—I heard that all the practices of slavery existed, but I am not aware of any particular case.

4440. Would you seriously adduce the fact, that a particular overseer put a collar upon the neck of a woman illegally, as a proof that the overseers in general were in the habit of avowedly working the negroes beyond ten hours a day in Jamaica?—Yes, and for this reason, that when I consider that Montpelier estate is in one of the most civilized parts of the island, that it belongs to Lord Seaford, and is under the immediate control of Mr. Miller, and within 13 miles of the town of Montego Bay, which is the county town of Cornwall; when I see that a negro was treated in that manner upon that estate, I think it is very likely that other violations of law have occurred in remoter districts.

4441. The question is, whether the fact you have mentioned is evidence that more than ten hours' labour are extorted from the negroes in a day?—I think that if they will ill-treat the negroes where there is no temptation to do it, the temptation of profit will certainly induce them to do so. The law requires that the negro should have two hours' during the time of slavery for dinner; but instead of that they only gave them an hour and a half. Now, if they did that before the year 1834, I think it is very likely they are pursuing a similar practice since.

4442. Are you aware that it was the general opinion in Jamaica that it would be illegal to extract from the apprentices 45 hours of continuous labour?—It was known that it would be illegal, but that was no reason why they would not do it.

4443. Was it the uniform opinion in Jamaica that it would be illegal to extract more than ten hours of compulsory labour?—Every body knew the number of hours that they were entitled to by the law during the week, and a proclamation stated the fact; but the quantity of that time to be demanded each day was left in great measure to the manager's caprice, though the proclamation did attempt to regulate it, but the proclamation was not law.

4444. Were ten hours the number fixed in the proclamation as the utmost limit?—If I remember right, the first proclamation was an extraordinary one, because it was not very intelligible; but, if I remember correctly, Lord Sligo recommended them to work eight hours a-day.

4445. Was it considered in Jamaica, generally, that it would be illegal to work a negro compulsorily avowedly more than ten hours in a day, distinguishing such a case from the case in which he was professedly worked only ten hours, but really defrauded of a greater portion of time?—It was well known that it was contrary to the spirit of the law; but that was no reason why they would not do it, especially as it was not contrary to the letter of the law.

4446. Do you know any facts in support of your opinion that, from the general lawlessness of the community of Jamaica, the negroes are avowedly worked more than ten hours a day at compulsory labour?—When I know that a short time before the apprenticeship, the magistrates of Hanover took a man and hanged him, distinctly contrary to the Governor's pardon, and his express order

order that it should not be done, when I know that those magistrates to this day remain in the commission of the peace, notwithstanding the matter was brought before two Governors, I can conceive them capable of anything.

4447. Were they stipendiary magistrates?—No.

4448. Do you know any facts affirmatively bearing out your opinion that negroes are avowedly worked more than ten hours a day?—Nothing but what the negroes have told me, nor is there any other mode of ascertaining the fact, because no person except a special magistrate would be permitted by the overseer to come upon the estate, if they supposed he came as a spy, as they would call any other inquirer. There is no express clause in the law to prohibit a negro from being worked more than ten hours a day, so long as the quantity of hours given the planter by law per week is not exceeded.

4449. Negroes have sometimes told you that the managers have ordered them to work more than ten hours a day?—All over the island, where I have travelled, the negroes told me the same thing, that they were worked in the same way as they had been worked in time of slavery, and the more remote the estate was from the seat of Government, the more frequently were those observations made by the negroes.

4450. You have described the negroes as being worked 38 hours continuously during slavery; has any negro ever related to you any similar circumstance since the apprenticeship began, or what is the strongest case that has ever been told you since the apprenticeship began?—The negroes at Twickenham Park and St. Catherine's, and several estates in St. Thomas in the Vale and St. Mary, told me that the system had in no way changed, that the spell keeping was precisely what it was before; they did not particularize those estates, they spoke generally.

4451. Did they mean that they were working day and night without remuneration?—No; I suppose it is probable that they had this so called remuneration, a penny an hour.

4452. Was not that an essential difference between that period and the period of slavery?—It was, so far as the value of the pence went.

4453. Was there any statement ever given to you sufficiently definite to lay it before this Committee in illustration of your opinion, that more than ten hours of compulsory labour are professedly ordered by the managers to be given?—No; the statements I make must necessarily be extremely vague, for they are only those which I obtained from the negroes, there being no other mode of information accessible to me or any one else.

4454. Then it is your opinion that if more than ten hours of labour are taken, it is in manifest defiance of the law?—Whatever they had beyond the law is manifestly against the law; but the law fixes the time per week, and not per day.

4455. Sir *George Grey.*] You have stated that you have been resident upon a sugar estate since the apprenticeship began; had you not then the means of learning whether the negroes were worked compulsorily more than ten hours a day?—No; it would be impossible to do it; for though I spent some time upon estates where I saw the manufacture of sugar going on, yet I could not say whether the negroes had been there working continuously for thirty-six hours, because I was not continuously myself looking at them.

4456. You never closely investigated the question yourself?—It would have been considered extremely indelicate for me to interfere in it when I was partaking of a gentleman's hospitality; planters do not like to be meddled with in reference to such matters as those on which your questions are propounded.

4457. Mr. *Gladstone.*] Did the negroes ever complain to you that whereas the law enacted that they should only be worked ten hours a day, they were worked twelve or fifteen?—The negroes have frequently stated that they were cheated out of their time; that they worked "in the same fashion" (to use their own language) as they said they had done before the so called abolition of slavery. It is impossible for any person whatever to give any other information except you have the managers themselves.

4458. Is it your opinion that any manager would venture to go to a gang of negroes and say, "I shall require you to work upon such a day twelve or fifteen hours without wages?"—I think he would, in many instances.

4459. Do you think that in such a case the negroes would refrain from complaining to the special magistrate?—Unless they had great confidence in the special

A. H Beaumont, Esq.

22 July 1836.

special magistrate, they would not, for this reason, that a special magistrate has the power, if he thinks they make an improper complaint, of ordering them to be flogged, and if he exercised that power once or twice, they would prefer submitting to complaining, with the chance of being flogged.

4460. Do you think generally the negroes would have little confidence in the special magistrates?—I believe extremely little.

4461. If you found that on the other hand the House of Assembly made complaints against the body of the special magistrates as being too favourable to the negro, would that at all tend to alter your opinion of them for the better?—I dare say, in some few instances, the special magistrates may have leaned the other way.

4462. If you find that the complaint of the House of Assembly has been, with regard to the general leaning of the special magistrates, that it has been in favour of the negro, will not that tend to improve your opinion of the special magistrates?—No; from what I know of the proceedings of the Legislative Assembly of Jamaica, the proceedings of any of their committees will not determine my mind in one way or another. A committee being got up for a particular purpose, and the evidence being made to bear upon a particlar point, they might easily prove anything they pleased.

4463. If the House of Assembly expressed an opinion upon the subject the other way, would not that give an inclination to your mind the other way?—It would have no effect upon my mind either way; I should look to facts, and form my own judgment upon them.

4464. Are you acquainted with Dr. Madden or Captain Oldrey?—I know Captain Oldrey very well.

4465. Do you know Dr. Madden by character?—Yes, I know him by reputation very well, and personally, slightly.

4466. Were those gentlemen in whose kind disposition towards the negro you would have considerable confidence?—I believe Captain Oldrey and Dr. Madden had every desire to do justice, honestly and impartially. I am sure they had; and the same observation applies to some other special magistrates.

4467. Then, they being themselves special magistrates, and being also in communication very much with other special magistrates, if their deliberate opinion of the special magistrates as a body is, that they are equitably disposed towards the negro, would not that produce any effect on the strong sentiments you have expressed against the special magistrates?—It would not; because I think I know the special magistrates a great deal better than either Dr. Madden or Captain Oldrey, because I have known many of them many years, and they could have only known them at the most a few weeks.

4468. You say that you have heard overseers say that they like the new system very well; do you think that is the general feeling amongst the overseers?—I think that the attachment of the managers and the slave-holders throughout the island towards the apprenticeship system has gone on increasing as it continues; the more it continues, the more it resembles slavery.

4469. Do you believe them to be generally well inclined to the apprenticeship system at this moment and desirous to maintain it?—Yes, there is no doubt that property has risen in value at least 25 per cent. since August 1834, and the greater portion of the proprietors in consequence are very willing that the present state of things should exist; it is *quasi*-slavery.

4470. Do you think there is any considerable party of persons who seriously contemplate and desire to thwart the apprenticeship, and to prevent its working well among the overseers and managers?—I know that there was at the commencement of the apprenticeship; but I believe that feeling has to a very great extent subsided, because they find that the apprenticeship may be made by a change of name to be slavery. Some managers who were determined that the apprenticeship should work, had no difficulty from the commencement, and never had occasion to apply to a special magistrate. Thus Mr. M'Neil, of Westmoreland, Mr. Wheatle, of Knockpatrick, both on friendly terms with Lord Mulgrave, Mr. Carson, of Whitney, and many others, made no complaints of the system; but then these men had not aversion to absolute freedom, and considered that negroes could be induced to work like other human beings. In other cases managers at first conspired against the system until they found how closely it could be made to approximate to slavery.

4471. You believe that there is no such feeling existing among a large body of persons at present?—I think those who consider the subject the most attentively would like to see freedom established at once, in order that there might be certainty and security of property, that they might employ their capital without the fear of any future change; but I believe that the greater portion of managers and persons who have that indirect interest in the continuation of the apprenticeship prefer it, and many of the proprietors also prefer it; the apprenticeship continues the aristocracy of colour; by the deficiency law managers have in fact a monopoly of the business of sugar planters.

4472. Do you think there are many persons who seriously contemplate thwarting the apprenticeship, with a view to procure a return to slavery?—They have not the remotest idea of establishing slavery under the name of slavery, but they have every desire, by means of enacting tyrannical laws, to perpetuate slavery under a different name, and I sincerely believe that they will succeed in this project.

4473. Were you originally, before the apprenticeship came into operation, strongly in favour of absolute freedom?—I was, and every thing that has since occurred has confirmed that opinion.

4474. You said that the colonists in the Assembly were generally favourable to absolute freedom in preference to the apprenticeship; did you mean to say that with the same compensation which was given in the apprenticeship scheme they would rather have had absolute freedom than the apprenticeship, or did you merely mean that they would rather have had entire compensation and absolute freedom with it?—The most intelligent among them, and at one time the majority, would have preferred taking the compensation as it stood (giving the slaves entire freedom) to the apprenticeship.

4475. *Chairman.*] Would not they, according to the apprenticeship system, have been able to free the apprentices entirely, if they chose it, subsequently?—No, there was an immense difference between the operation of a general system of emancipation and a partial system of emancipation; for though it might be beneficial to emancipate the slaves of the whole island, it would not answer the purpose for two or three proprietors to have done it; but I can name some of the principal proprietors, resident in the island, who were of opinion that entire emancipation was by far the most advisable, and I know, as a fact, that one of the officers of the Government, who was a member of the House of Assembly, stated that he was authorized to mention to Mr. Watkis, a friend of mine, and other members of the Assembly, that the Governor of the island, Lord Mulgrave, was decidedly opposed to entire emancipation, for the reasons I mentioned the other day, and that they would forfeit the compensation if they insisted on perfect freedom. There was a proposition in the House of Assembly to emancipate the slaves entirely, and but for Lord Mulgrave it would have been adopted.

4476. Sir *George Grey.*] Brought forward by whom?—Mr. Watkis.

4477. As a substantive motion?—As a substantive motion.

4478. Was there a division upon it?—Not as I believe; there would have been no division probably, for the general impression was, that freedom was the most advisable course to be taken; but Lord Mulgrave caused it to be intimated that the Government here would prefer the apprenticeship to the entire emancipation, and that unless the colonies adopted Mr. Stanley's apprenticeship scheme, the compensation would be forfeited; they were willing to adopt the British Act, only substituting entire emancipation for the apprenticeship.

4479. Mr. *Gladstone.*] How many seceded from the Assembly upon that occasion?—I do not recollect the numbers; when the Governor's feelings came to be known, many persons who had previously been favourable to the entire emancipation joined the apprenticeship party, and I think the number that seceded on the passing of the Bill recognizing the apprenticeship scheme was 17.

4480. Sir *George Grey.*] Lord Mulgrave, in his despatch of the 19th of December 1833, in the Parliamentary Papers, page 30, states, "I the less regret the course I then took, because I have been convinced, by subsequent observation, that under no circumstances would the abolition of apprenticeship have been carried by the majority of the House of Assembly, and the fruitless agitation of that question would, of course, have only disappointed the negroes with the result. Some few of the advocates of immediate emancipation in the House of Assembly were, I believe, sincerely convinced that that plan would answer best, but others were induced to adopt that cry, with a view either to get further com-

A. H. Beaumont, Esq.

22 July 1836.

pensation, or to avoid the support of the sick and aged; and their tone was considerably altered when I told them that I imagined the first would not be obtained, and the last would, in some shape, be enforced;" are the Committee to understand that you take a different view of the motive which influenced the majority of the Assembly, with reference to the question, from that stated in this despatch?—Lord Mulgrave is decidedly wrong, for the first assumed motive was absurd, and the second could not have influenced the members of the Jamaica Assembly practically acquainted with the laws of the island. There was no man in the Assembly that did not know that they would be obliged to provide for the sick and aged, because there is a poor-law existing in the island,—a colonial Act of Charles the Second,—and the instant the negroes are emancipated they will then come under the operation of that law, as the free blacks and white persons now do.

4481. Are the free blacks and white persons entitled to demand the same degree of support and of medical attendance which the apprentices now receive from their employers?—Not in kind, but at least the same in degree; there is a poor-rate levied, and the free poor are much better attended to than in this country. If the poor choose to reside in the workhouse they might; they would be very well clothed; they would have a medical man constantly attending upon them, and they would be much better off than the poor are in this country.

4482. You are of opinion that, instead of Lord Mulgrave being right in his expression that the abolition of apprenticeship would not have been carried by the majority of the House of Assembly, it would have been carried even without a division?—I think the party was increasing so strongly every day as to justify this opinion; for though not a member of the house at the time, I had, by courtesy, a seat in it, and I was in the habit of conversing with the members, and I know there was a majority who were desirous of entire emancipation. Subsequently many of those persons have become unfavourable to it; thus, the Honourable Mr. M'Neil, the chief magistrate of Westmoreland, and an extensive planting attorney and proprietor there, told me in 1834, that he was not averse to absolute freedom. He has since written me, that the apprenticeship with him was working very well. The negroes would be glad to get rid of the apprenticeship, but few proprietors now would, amongst other reasons, because they do not like a constant change of the tenure by which they are holding their property. Had the Governor supported the abolitionists, then the scheme would have been carried.

4483. Mr. *Gladstone.*] You said, in speaking of Mr. Lyon, the special magistrate, that there was a considerable diminution of punishment in his district, and that he became unpopular in consequence?—Mr. Lyon was first of all disliked in the parish, because he was not thought sufficiently severe. Subsequently to that, both parties, I believe, were very much attached to him; so much so, that I know the Governor requested him not accept an office which he had obtained for him by Lord Mulgrave in the customs, but to remain in that part of the island which had previously been disturbed; and this proceeding gave general satisfaction, and I believe deservedly so.

4484. Mr. *Buxton.*] Do you know what is the practice with regard to chaining females in workhouses?—I do; all females who are sent to the workhouse are chained in pairs; a collar is put round the neck of each, and from that collar there is suspended a heavy chain, which presses on the breast, and must be very torturing.

4485. Sir *George Grey.*] Do you mean to say that that is the case, whether they are sentenced to penal gangs or not?—All apprentices, male or female, that are sent to the workhouse are worked in chains, men and boys, girls and women, youth and age, all alike.

4486. Whether they are sentenced to penal gangs or not?—I know of no such distinction as penal gangs existing in practice.

4487. What workhouse have you been in the habit of visiting since the apprenticeship?—I have seen St. Andrew's, Port Royal, Kingston, St. Thomas in the East and St. Thomas in the Vale.

4488. Have you repeatedly visited those houses since the apprenticeship?—I have visited the interior of St. Catharine's, St. Andrew's and Kingston.

4489. Are you able to state that in those workhouses there was no distinction between negroes sentenced to penal gangs and others, but that every negro in those

those workhouses was chained?—I do not know the existence of such a thing as a penal gang, though it is talked about. The persons sent to the workhouse are all worked in chains, and if the word penal gang has any meaning, it implies every one confined in the workhouse.

4490. You have stated that every negro in those workhouses when you visited them was in chains?—I believe every one was, I have no doubt about it.

4491. Mr. *Buxton.*] Are you aware of a distinction between switching and flogging under the apprenticeship system, by order of the special magistrates?—I know the distinction existing in the parlance of the colony.

4492. What is the difference?—The flogging is done with the cat, and the switching is done by what are called ebony switches; a sort of broom rod is made of about half-a-dozen to a couple of dozen of very thin springy lathy rods, and they are switched with it; but the switching is done upon the nates and the flogging upon the back.

4493. *Chairman.*] Is it a severe punishment?—It is not so severe as the cat; it is not so injurious to health.

4494. Does it extend to the females?—I believe it does.

4495. Sir *George Grey.*] Upon what is your belief founded?—I know there were some females switched or flogged in the Kingston workhouse.

4496. When?—In the year 1835.

4497. Is the switching, of which you have been speaking, inflicted in the workhouse or out of the workhouse, by order of the special magistrates?—I do not know any particular orders of the special magistrates for it, but I have heard some of the negroes say that some of them have been switched and some of them have been flogged; if it was done in Kingston, *a fortiori* it would have been done elsewhere.

4498. Did you ever hear a man say that he had been switched by a special magistrate?—Not a man, but boys have told me so.

4499. *Chairman.*] Have you ever seen a cat or a switch used in the workhouse?—Not since the apprenticeship, but I have no doubt both are used; I never saw a cat in a regiment, but I believe soldiers are flogged.

4500. Sir *George Grey.*] Have you ever seen the punishment inflicted out of the workhouse?—No; I know it has been done; I have seen it after the operation is performed.

4501. Mr. *Buxton.*] Are there many unregistered negroes in Jamaica?—A very great number not registered according to law.

4502. How many do you think there are?—I should think one-eighth of the apprentices were not strictly legally registered.

4503. Sir *George Grey.*] Do you mean to say that there are a great many negroes unregistered or a great many negro apprentices unregistered?—I mean a great many negro apprentices unregistered or else illegally registered; the Registry Act required that they should be registered every three years; the first register commenced in 1817, many were registered then, and were not regularly registered afterwards.

4504. Are not you aware that a question has arisen and been submitted by Lord Sligo to Government as to the condition of those apprentices, who having been duly registered on the former register, were omitted upon the subsequent one?—I know that that question had been laid before the law officers in the colony.

4505. Are you aware what the decision upon that point has been?—I should think there can be no doubt what it would be.

4506. Are you aware that the negroes who were held in apprenticeship, not having been duly registered, have all been liberated by the Governor?—I should think they are not so.

4507. Have you the means of knowing that they are not so?—There are several estates which I am satisfied are not correctly registered, and I have never understood that the negroes are free upon them.

4508. Do you mean that they were registered on former registries and omitted in subsequent ones?—I do.

4509. Do you think you could point out any negroes who, having been omitted in the last registry, are now held in apprenticeship?—I think it is probable I could.

4510. Assuming that an order has been sent long since by the Government to Lord Sligo, founded upon a legal opinion that those negroes are not legally

held in apprenticeship, how do you account for their still remaining in that state?—From the utter defiance which is very frequently set to every thing in the shape of law where slavery or its relics are concerned, I have known, since the statute professing to emancipate the slaves, negroes held in apprenticeship, when there was not a vestige of title by which that was done; I have known a local magistrate, upon a special magistrate declaring that he saw no cause for interfering, as late as December 1834, order the police to seize an apprentice and carry her to the estate, and that was a matter of perfect notoriety; he himself never attempted to set up any legal title to her, and that gentleman was one of the judges of the Supreme Court of the island of Jamaica.

4511. Sir *George Grey*.] Who was the judge of the Supreme Court?—The agent of the person claiming to be owner of the apprentice.

4512. Do you mean to say that a special magistrate in that case enforced the compulsory labour from an individual with respect to whom there was no evidence of her being an apprentice?—The special magistrate, having hesitated to adjudicate that this person was liable to labour as an apprentice, Mr. Bernard, a judge of the Supreme Court, and chief magistrate of the district, instantly took the law into his own hands, as agent of the person claiming to have a title in the black girl; the circumstances were these: a considerable number of negroes belonging to the Caywanas estate in St. Catherine's, applied to Mr. Watkis, the barrister, and stated that they had been a great length of time held in slavery without any title whatever; an attorney made some searches in the Record Office, and found that there was no title in the proprietor of the Caywanas nor in any one else; that if there was any title, it either rested in the personal representatives of a deceased or in the King by escheat. Administration was taken out of the personality of this person, who might have the claim, and the personal representatives executed a manumission, so that there was no claim whatever, except possibly one might have been raised by the Crown. Mr. Bernard, however, claimed the services of those persons, who were seven or eight in number.

4513. On what ground?—As the agent of the proprietor of the Caymunas, upon whose estate these slaves had resided, and who it appeared had forcibly kept them in slavery previous to the apprenticeship.

4514. And the owner of the estate, whose agent acted in that manner, is a judge of the Supreme Court?—No; the agent of the owner is the judge of the Supreme Court; the owner is an absentee from the island.

4515. Who is the owner?—I think it was the Rev. Sir William Cooper. In consequence of a claim being set up to this person, Mr. Watkis requested me, he being in very bad health, to take out letters of guardianship of the estate of one of the parties who was an infant; they got hold of one of this party, a girl of about 16 years of age, and Mr. Ramsey, a special magistrate, sent her to the workhouse for refusing to work upon this estate. I was not aware of the circumstance till the expiration of the term for which she was sent to the workhouse of St. Catherine's; I went there, and I saw Mr. Bernard, the agent of the proprietor, and I observed to him that it was of no use to harass those persons; that if he was entitled to their labour, the best way would be to have it settled before a special magistrate; he said he had not the least objection, and we, the Honourable Mr. Bernard, the negress and myself, then went before the special magistrate of St. Catherine's, Mr. Clinch, who said that under the circumstances he could not interfere; it did not appear to him that Mr. Bernard had a claim that he, as a special magistrate, could enforce, and he advised him to appeal to the Superior Court, which he might have done of course, by an action against Mr. Watkis or myself, for detaining his apprentices from him; Mr. Bernard objected to that; he said he would insist upon Mr. Clinch executing his duty or that he would do it himself; Mr. Clinch would not do it, and Mr. Bernard then ordered the police, who were in attendance upon the special magistrate, to take possession of this girl, and to carry her to Caymunas estate, which was six miles distant; I, as the guardian of the girl, interposed, and in conclusion she was not sent.

4516. Was Mr. Ramsey the special magistrate?—He was, in the first instance.

4517. At the time he sent this girl to the workhouse, he sent her there in his capacity of special magistrate?—He did.

4518. Was

A. H. Beaumont, Esq.

22 July 1836.

4518. Was a doubt with respect to her condition of apprenticeship raised before him?—She said that she was free.

4519. Did he investigate her title to freedom before he issued the warrant to convey her to the workhouse?—No; he proceeded upon the principle that possession was the right, and he would only look at the fact that Mr. Bernard claimed possession; there can be no doubt about those circumstances. In consequence of Mr. Bernard's conduct, an application was made to the Court of Chancery by me for an attachment against him, and the proceedings went on for some considerable length, till great expense had been incurred; he then agreed to pay his costs, and I paid mine, and I subsequently left the country; I understand that the parties were afterward seized, taken up before a special magistrate, and the men sentenced to be flogged, and the women sent to the workhouse; and they are now living in apprenticeship upon Caymunas estate, being held by no lawful title in this quasi slavery.

4520. You did not bring this case before the supreme tribunal?—They indicted me for my interference in the matter, and I applied to the Court of Chancery for an attachment against Mr. Bernard, but it was so extremely expensive, that Mr. Bernard agreed to pay his costs, which amounted to three or four hundred pounds, and I agreed to pay mine, to get rid of the suit, as I was coming to this country; he then agreed that the matter should be tried by an action of trespass, the jury finding a verdict for the plaintiff, with liberty to enter a special verdict; however, it was so expensive, it never was tried. Upon the trial of the indictment against me, the Chief-Justice, speaking of the conduct of Mr. Bernard, reprobated it, and said, it was very extraordinary that any gentleman filling the functions of a judge in the Supreme Court should act in that manner.

4521. Then this action, which was to have decided the question, was not tried?—It was not, in fact; the expense was a prohibition.

4522. For the reasons which you stated you did not pursue that action?—I left the country.

4523. Was there no guardian to the negro in the country afterwards?—No; the fact was, it cost me a large sum of money, and I quitted the country, and no person else took it up; no one liked to face the costs.

4524. Then Mr. Bernard did not flinch from bringing this matter before a jury, and abiding the issue?—With the state of feeling existing at that time in the country, if it had not been for the understanding with Mr. Bernard that he would suffer the judgment against him, with nominal damages, I would not have brought it before the jury, because I had no doubt they would have found a verdict against me. The matter was conducted by Mr. Watkis. The fact is, that he had no claim to the services of this girl, or of her family, and this he admitted in his answer to the rule obtained against him for an attachment in the Court of Chancery.

4525. In fact, you did not press the action, and the status of those individuals has never been brought to any ultimate decision?—The Governor knows the whole facts; they were brought before him as Chancellor. It was no portion of my duty to involve myself in expense about it.

4526. But the result, as to those individuals is, that they have returned to a state of apprenticeship, the whole of them?—I have understood so, and have no doubt of the fact.

4527. Sir *George Grey*.] Do you mention this circumstance as an instance of the fact of apprentices, not registered, being held in apprenticeship, or is it not a case in which there was a dispute as to the title, and a suit pending in Chancery, during which Mr. Bernard attempted, very improperly, to establish his title by force?—No; the Registry Act requires that all slaves, duly held in slavery, shall be registered; and, therefore, if they were not duly held in slavery they could not be properly registered. I may observe, there was no suit pending in chancery in the case I refer to, until after Mr. Bernard had taken the law out of the special magistrate's hands into his own.

4528. Did this proceeding take place before the last triennial registry?—No, subsequently.

4529. When they were registered had they been manumitted by the representations of the late owner?—No, they had not, nor was that necessary.

4530. Had not they been duly registered in the last triennial registry preceding the Emancipation Bill?—I cannot say as to that.

A. H. Beaumont, Esq.

22 July 1836.

4531. The want of due registration did not then arise as a question in the case you refer to?—Not as to them; I was asked by the Committee whether, if the slaves were not duly registered, and were ordered to be discharged, it would necessarily follow that they would be discharged, and I adduced the facts I have stated, to show that even in a stronger case than that of undue registration, even where there was no title they were kept as apprentices *a fortiori*, when only erroneously registered.

4532. Sir *James Graham*.] If they are not duly registered they cannot be duly held?—No, they cannot be, but they are held, in fact.

4533. Is there not a process of law by which their claim to be free may be asserted?—I do not know of any; I know that the Chief-Justice has refused to have the question tried by *habeas corpus*, and I have understood that the proceeding recommended to be adopted by the law officers, is by *homine replegiendo*, but I never knew a writ of that kind sued out in a case of apprenticeship. The Attorney-General in Jamaica insisted that the question might be tried by *habeas corpus*, but the judges of the court thought differently.

4534. Are there not guardians of the apprentices?—No, not at all; the only instance I know of an apprentice having a guardian was, where I took out letters of guardianship in the case I referred to.

4535. Do you contend, that under the existing law, though the statute declares that without due registration no person shall be held in a state of apprenticeship, there is no means on the part of a person so held unduly in apprenticeship, of vindicating his right to freedom?—I know of no means whatever; and I know practically an immense number of negroes were held in the colony who were not duly registered, and who were in all things treated as apprentices, flogging not excepted. I know two estates belonging to one gentleman, where there are 300 in that condition.

4536. Sir *George Grey*.] Do not you also know, that after you left the colony in May 1835, that question was raised, or having been raised previously, has since been decided, and in consequence of that decision every apprentice in Jamaica, known not to be duly registered has been set at liberty?—I know the question was raised in August 1834, when the British statute came into force; I was the first person who raised it.

4537. Do you know anything of the decision of it, and the measures taken in consequence of that decision?—I do not; but I have stated before, that I believe that if the decision has been favourable, it has not been carried into practice.

4538. Do you believe, from any means of knowledge you possess, that any individual apprentices, not duly registered, are still held in apprenticeship, notwithstanding the Governor's proclamation?—Yes.

4539. Can you state any instances that have come to your knowledge?—I believe on Mr. Batty's estate.

4540. Sir *James Graham*.] Is there no public officer whose duty it is to watch the register, and to compare it with the returns of slaves?—There is not.

4541. What was the registrar?—The registrar was the island secretary.

4542. Sir *George Grey*.] Was he a public officer?—It was a public office.

4543. Was not his duty, before he registered a slave, to compare the return presented to him with the previous registry, and to examine the slave himself, so as to see that he corresponded with the original registry, if any doubt existed upon the fact?—Certainly it was not; that never was done in any single instance.

4544. Were his duties prescribed by law?—The registration was done in this way: the clerk of the vestry of every parish had a blank in triplicate, which was filled up; one blank so filled up was kept by the clerk of the vestry, another was sent to the office of the island secretary, and a third was transmitted to England; and if you had apprentices, I might have registered them as my own; there was no control whatever; every person registered just as he liked; there was no officer to inspect it.

4545. Sir *James Graham*.] Previous to the registration there was no inspection of the status of the individual registered?—There was not. All that was needed to enable the person to claim the compensation was a proof merely of the registration, by means of a certificate made by the island secretary, stating that there

there had been a registry of so many slaves, which was to this effect, "I certify that A. B. registered such a number of slaves, in such a parish, at such a time;" and that was the certificate upon which the compensation was claimed.

4546. Supposing that there were, in a certain parish, 700 apprentices registered, while in point of fact, there were 800 apprentices working, was there any means of checking the number?—There was not.

4547. Sir *George Grey*.] Do you mean to say that they were registered *en masse*, 700 slaves, on such an estate, or did not the name and the age appear on the registry?—In the first registration in 1817 the names of all the parties and their supposed ages, and complexion and country were particularized. In the next registration, the return would be males, by the last return so many, females, by the last return, so many, increase so many, decrease so many, stating whether it was an increase by birth, or increase by purchase.

4548. If they had increased by birth, or by purchase, were the names of those slaves, who had been born or purchased, inserted in the registration?—In most cases they were; scarcely an exception.

4549. Sir *James Graham*.] Supposing there had been a fradulent importation of 100 slaves upon any estate, and that fact was suppressed in the return, was there any means, on the part of Government, to check such surreptitious increase?—It would have been known immediately, because it was the interest of the planters themselves to prevent it, as it would have given an exclusive advantage to a few; and I am satisfied that, during the time I was in Jamaica no such circumstance took place, from the abolition of the African slave trade to 1835.

4550. Was there any means of checking it on the part of the Government?—The registration did not give the slightest facility in the prevention of it. In a few cases, where domestics were illegally imported, the law officers proceeded on parol evidence.

4551. Sir *George Grey*.] How did the question arise with regard to those individual apprentices, who you say were proved not to have been registered having been omitted in the subsequent registries?—I believe that the first instance of it that took place was in the case of a negro claimed as an apprentice by Mr. M'Dowal. I raised the question of absolute freedom, for want of legal registration, before Dr. Madden.

4552. What proof was there of the identity of the individuals, if the register was so vague as you state it to have been?—I never knew an instance of a slave denying his identity; I never knew any dispute about it.

4553. How can you prove that that individual slave was omitted in the 700?—You must take parol evidence to ascertain it; for instance, there is scarcely an estate in which there is not some slight omission as to the registry; if there were 500 registered and 501 upon the estate, it would be a question of parol evidence which was the one not duly registered, at least it would be the only evidence you could get.

4554. Do you mean to say, that supposing the alleged registered slave was named John Brown, there would be no means of saying whether at any prior time the same slave had been registered by that name?—There would not; the negro was probably registered by the name of Cupid or Mercury or Nero, and he would get christened, taking some elegant christian name and a surname equally beautiful, but utterly different. Suppose 700 negroes were registered upon an estate in 1817, and one of them was named Nero, and that he thought proper to take, as many of them did take, the name of James Graham, there would be no means, except by parol evidence, of ascertaining that there was an identity between Nero and James Graham, because it would not appear on the register.

4555. Has there never been, up to the time of the change from slavery to apprenticeship, nor since the apprenticeship began, any public officer whose duty it was to compare the register with the actual number upon the plantation?—There never was; my reason for mentioning the name of James Graham, is this; I recollect an immense number of negroes upon the Three Mile River estate, who, I understood, took that name from the original proprietor.

4556. Sir *George Grey*.] Do you mean to say, that assuming the fact to be that orders were sent from the Government here to Lord Sligo to liberate all that had not been duly registered, and if those orders have been carried into effect, parties liberated may have been duly registered, and some of the parties

A. H. Beaumont, Esq.

22 July 1836.

remaining in apprenticeship may be those who were not duly registered?—It might happen, but it is not likely, because the identity would be admitted by the negroes themselves; but if a dispute arose, it would be almost impossible to determine the fact. In the original registry of 1817, the mother is, in many cases, registered as younger than her daughter; it is all confusion.

4557. Sir *James Graham.*] Do you think it would be of importance, during the short period that remains of the apprenticeship, that there should be some public officer whose duty it is to check the register by the actual number of apprentices working throughout the island?—I think it would be the means of emancipating a considerable number of persons.

4558. Who are entitled to their freedom, but have no means of proving?—Yes; and if it were the duty of the Governor also to ascertain by what tenure the proprietors held them in slavery, that is, whether there was any colonial title or not, a considerable number more would be emancipated.

4559. Mr. *Gladstone.*] Can you state any cases in which, as you said, the services of negroes have been sold by the holder of their apprenticeship for 100 dollars, which parties, during slavery, would only have brought 25 or 30 in the market immediately before the Emancipation Act?—Here is a copy of a letter which I sent to the Governor's Secretary with respect to one case, which I will beg leave to deliver in.

[*The same was delivered in and read as follows:*]

Kingston, Jamaica, 8th April 1835.

Sir,

I AM very unwilling to occupy the attention of his excellency the Governor, and I therefore never appeal to him excepting in cases which admit of no other medium of relief. On the 7th instant, a negro woman apprentice, desiring to purchase her freedom from Miss Bish, of this city, was brought up to be valued before Mr. Nethersole (a magistrate of common law), and special justices Connor and Chamberlaine, magistrates under the Act for Abolishing Slavery in the British Possessions. It appeared, by the evidence of Mr. Colthirst, who was brought forward as a witness by the mistress of the apprenticed labourer, that her annual hire would be 17*l.* 6*s.* 8*d.* per annum, and out of which he said the mistress would have to deduct 4*l.* for clothing, and 1*l.* 6*s.* 8*d.* for medical attendance, leaving the net value of 12*l.* per annum as the utmost she could receive. The magistrate fixed the sum to be paid for freedom in this manner, 17*l.* 6*s.* 8*d.* yearly; gross value deducted, one-third for costs and charges 5*l.* 15*s.* 7*d.*,—11*l.* 11*s.* 1*d.*, and this amount multiplied by three and a quarter years' residence of apprenticeship under the law is 37*l.* 10*s.* 4*d.* The father-in-law of the apprenticed labourer was compelled to pay the latter sums for the woman's freedom. My evidence that similar services could be procured for one-fourth less than the amount stated by the other witnesses was not regarded on behoof of the apprenticed labourer; I then suggested that an allowance should be made for the probable loss of life, &c., but this was equally disregarded.

To W. G. Nunes, Esq. *Augustus Beaumont.*
Secretary to his excellency the Governor of Jamaica,
&c. &c. &c.

Sir, The King's-house, 21 April 1835.

I FIND I have omitted acknowledging the receipt of your letter, complaining, in the first instance, of the valuation of a non-prædial apprentice of Miss Bish, of Kingston, for 38*l.* 10*s.* 4*d.* currency, which you considered more than her worth; and in the next place, raising a doubt as to the validity of the proceedings under the Acts by which the special magistrates were guided.

The operation of the Act of 4th July and the Act of 22nd December 1834, in Aid, explaining, amending and repealing parts of the Abolition Act, never having before been questioned; and as the decision appears to have been in strict conformity with the regulations established for arriving at the value of the unexpired term of the said apprenticeship, the interference of his excellency is not considered necessary; and if the parties imagine they have any grounds for dissatisfaction, it is open to them to adopt such ulterior measures as they may think fit.

I am, Sir, your most obedient servant, *W. G. Nunes*, Secy.

A. H. Beaumont, Esq.

No ulterior means were practicable.

4560. Sir *George Grey.*] Have you any knowledge of the value at which the labour of any apprentices has been transferred from one party to another since the

the Emancipation Act took effect, and are you able to compare the selling price of apprentices between party and party with the selling price of a slave previously to the apprenticeship?—Taking the sale at which the apprentices of an estate had been sold *en masse*, would be the only criterion. Apprentices were scarcely ever sold singly after August 1834; it was a species of property few cared to purchase; I have been repeatedly offered apprentices for 30 to 40 dollars in Kingston, from 10*l.* to 14*l.* currency, and in the sale of an insolvent's estate they brought about that sum.

4561. *Chairman.*] You stated that you consider the value of landed property in Jamaica to have risen 25 per cent. since the emancipation?—I know that the houses in Kingston and in the towns generally have risen in that proportion.

4562. Do you mean putting the compensation money out of the question?—That would not affect the value of the land; I know an instance in which I was personally interested where property in houses has risen 25 per cent.

4563. Do you think plantations have risen in the same proportion?—Perhaps not quite so much, but they have risen very considerably. I know of some purchases, recently, in which much larger sums were given for sugar plantations than would have been given a year or two anterior to the passing of the Emancipation Act; for instance, a property was sold the other day, Dean's Valley Dryworks estate, in Westmoreland; it was sold by Mr. Barron to the chief magistrate of Westmoreland, the Honourable Thomas M'Neil, and he paid 5,000*l.* sterling for it, I believe; no person, a year before the Emancipation Act passed, would have seriously thought of giving 3,000*l.* for it, exclusive of the compensation.

4564. Sir *James Graham.*] May not that improved value be ascribed to public opinion being in favour of the present system as compared with the system of slavery which existed before?—Yes; it arises from this, that previous to the emancipation, all reasoning men were aware that whether the British nation interfered or not, slavery must come to an end; that it was impossible to perpetuate it, and when the nation did interfere, every person felt that there was more permanent security for property under the new law; but I think property would have risen still more had there been entire emancipation.

4565. Sir *George Grey.*] Was there not a great depreciation in the value of slaves before the Act passed?—It was in many instances nearly valueless. I know that very large sums have been made by gentlemen who purchased slaves immediately anterior to the apprenticeship, with the idea that there might be compensation, and they have realized out of the compensation a much larger sum than they gave for the slaves.

4566. Do you think they bought them at a fair value?—I think at the time they gave the market value of the estate.

4567. Was the value of slaves lower a few years before the Emancipation Act than it had been some years before?—The value of slaves had decreased from 1823 to 1833.

4568. What was the difference between 1823 and 1833?—A slave that was worth from 80*l.* to 100*l.* in May 1823, would have been sold immediately after the insurrection in Jamaica up to August 1834, for 20*l.* and 25*l.*, and even so low as 10*l.*, 12*l.* and 14*l.*

4569. Sir *James Graham.*] Then whatever may be your own opinion as to the comparative merits of immediate emancipation and of gradual emancipation under apprenticeship, public opinion, as marked by the value of property, is decidedly in favour of that which is now in progress?—Decidedly in favour of it as compared with slavery; but in Antigua, where they have adopted entire emancipation, I have understood that the value of property has increased in a greater ratio.

4570. Sir *George Grey.*] Are you aware whether in Antigua the previous depreciation was equal to what it was in Jamaica?—I should think the depreciation was much greater in Jamaica than anywhere else.

4571. Mr. *Gladstone.*] What was your own occupation while resident in Jamaica?—I originally had been a proprietor of the largest newspaper in the West Indies, from which I derived an income of 8,000*l.* a year, and the whole of which I lost, directly or indirectly, in consequence of advocating compulsory manumission, the abolition of female flogging and ultimate emancipation.

4572. Sir *George Grey.*] Do you mean to say that in that newspaper you advocated those measures?—No; I was not the editor of it; my state of health

A. H. Beaumont, Esq.

22 July 1836.

had been for several years extremely bad, previously to my bringing forward those motions, and at this time I ceased to be connected with the press.

4573. Did a newspaper advocating those opinions bring an income of 8,000*l.* a year?—O no; they were very contrary opinions; the fact is, that I myself was brought up with all the feelings of a slave-owner, and it was not till a late period that I quitted them; I had then to choose between future station in life on the one hand, and principle on the other; I lost the first and kept the last.

4574. *Chairman.*] Had you in the House of Assembly uniformly supported the opinions which you have now expressed to the Committee?—No, I told you I was brought up with different opinions; in December 1831 I considered that it was necessary to get rid of slavery, and I thought, as preliminary steps, they ought to abolish the flogging of women, to enable the slaves to buy their own freedom, and to appoint a committee of the House of Assembly to see if there was not some neutral ground on which we could meet the British nation and provide for emancipation, for there was no reasoning man that was not satisfied that in all respects it would be much better that the question should be settled; in order to go very carefully about it, I wrote a letter to the members of the House of Assembly, and which I caused to be printed for private circulation; I sent two copies of it to the Governor, Lord Belmore; Lord Belmore told me that he most highly approved of the opinions contained in it, and he intended to send one copy to Lord Grey, and he asked me for one to send to the Colonial Office; he promised me his support in carrying the measures through, but which support I never got, although I think that if I had had that support I should have succeeded. As a proof that my measures on the subject of slavery were apparently approved by the Governor of Jamaica, the Earl of Belmore, I beg leave to quote the following letter from him to me:—"My dear Sir,—I do not imagine the Parliamentary paper I send you will be palatable to all tastes in the House of Assembly, but Lord Goderich's despatch, R. 59. No. IV. is certainly drawn up with ability, and I think you will read it with some interest. I have desired Nunes to send it you early in the morning, as you may then have more time to peruse it. Yours very faithfully, Belmore." Several members of the House of Assembly came to my house and conversed with me on the subject; they said they highly approved of the propositions, and would support them; the day the propositions were to be made by myself and by my friend, Mr. Watkis, several members, and amongst others, Mr. Walker, the member for St. Ann's, told me that though they were still of opinion that the measures were extremely advantageous, they were so afraid of what they called public opinion that they must vote against them, and upon a division which took place upon the question of compulsory manumission, my friend, Mr. Watkis, and I alone divided for it; and for the abolition of female flogging myself and Mr. Watkis and Mr. Salmon alone voted for it; Mr. Salmon afterwards left us, and upon another occasion he voted against us. A petition was then sent from the parish which I represented, signed, amongst others, by a very respectable gentleman of the name of Williams, praying the House not to receive any motion that was made which would interfere at all with the state of slavery. The Governor showed me this, and also an application which had been made to another person to succeed me in the House of Assembly, as my constituents meant to call upon me to resign my seat. I told the Governor that as I had promised them that whenever they were dissatisfied I would resign, it was my intention to do so, which I did. This gentleman, Mr. Williams, who had first signed the petition against any changes in slavery, opposed me at the election; I was, notwithstanding, returned. Immediately after this a vacancy took place in the parish in the office of chief magistrate, and the gentleman then chosen by the Governor to fill the office was this gentleman who had procured the petition against any changes in slavery; as a matter of course he held the office of chief of the militia in that place; the consequence was, that partly owing to my want of popularity, from having brought forward these measures, and partly owing to the whole influence being thrown by the Government into the hands of those persons who were peculiarly unfavourable to any change in slavery, upon a subsequent dissolution of the Assembly, I lost my seat. I refer to these circumstances, apparently trivial, in anticipation of the abuse which I am sure to receive from the colonial party, who, whenever they are unable to reply to facts, proceed to blacken the reputations of those who have stated them. So unpopular did I become in Jamaica in consequence of advocating the cause of the slave, that Mr. Hamilton Brown, member

ber in Assembly for St. Ann, in that place assured me my life would be in danger if I travelled in that part of the country.

A. H. Beaumont, Esq.

22 July 1836.

4575. Mr. *Buxton.*] Had you any command at the time of the rebellion?—I had; I raised and commanded a corps of horse, called the Cornwall Rangers, with the rank of lieutenant-colonel commandant. During the whole time we were on duty we never spilled one drop of human blood, nor sent one man for trial, but we persuaded several thousands to return to work, showing them the uselessness of resistance against the army.

4576. Did you receive any public thanks for the mode in which you conducted yourself upon that occasion?—I did; first for raising amongst the insurgent slaves a corps of pioneers for the use of the King's troops, and then for other services when I raised another corps, but of freemen. With the permission of the Committee I will produce some of the documents.

[*The Witness delivered in the same, which are as follows:*]

My dear Sir,

Permit me, on my part, in addition to the official list, herewith to thank you for the notes of distance, &c. &c., at the end of your report, which, in the dearth of topographical details, are of the first value; pray continue them as long as you are moving in that dark country.

Yours truly,

G. Hillier, D. A. G.,

Lieutenant-Colonel, with colonial rank of Major-General.

Lieutenant-Colonel Beaumont.

Dear Beaumont, Head Quarters, Montego Bay, February 12, 1832.

Lord Belmore agrees to your corps being disembodied, the service of the country no longer requiring them. He is much pleased with the zeal you and your officers and men have manifested, and so am I. You have been of the most essential use. You deserve my thanks for the ready despatch exhibited in meeting my wishes and organizing the corps amidst opposition and difficulties that required an energetic mind to meet. I beg you will ride into the Bay this evening, if not inconvenient, as Lord Belmore desired me to say he should be glad to see you, and I also wish to speak to you.

Believe me, dear Beaumont, yours truly,

Lieutenant-Colonel Beaumont. *Willoughby Cotton.*

Sir, Head Quarters, Montego Bay, February 12, 1832.

The state of the country no longer requiring the Cornwall Rangers to remain embodied, I have moved his excellency the Captain General to permit that they may return to their homes.

To this his lordship has acceded, and I request you will accordingly give the necessary orders to this effect.

It gratifies me to communicate to you the Captain General's approbation of the conduct of your corps since it has been formed. I have at the same time to request you will yourself accept, and make known to your officers and men my ackowledgments of the active and harrassing service they have gone through, and for the ready willingness with which they have met the duties they were called upon to perform.

To yourself personally, my thanks are also due for the instant readiness with which you met my wishes, in raising this corps, under circumstances that required much energy.

I have the honour to be, Sir, your very obedient servant,

Lieutenant-Colonel Beaumont, &c. &c. &c. *Willoughby Cotton*, M. G. C.

(No. 1.)

G. O. Head Quarters, Montego Bay, February 13, 1832.

The state of the country allowing the Cornwall Rangers to return to their homes, Lieutenant-Colonel Beaumont will be pleased to give the necessary orders to this effect, and he will take measures for restoring to their proper owners such horses as may have been taken by his men for the public service, leaving such as are not immediately owned, at some spot (of which he will give notice), in order to their being claimed.

(No. 2.)

The Major-General commanding has already expressed to Lieutenant-Colonel Beaumont his acknowledgments for the services rendered by himself and the corps under his orders, and has requested him to convey the same to his officers and men; and he has pleasure in thus publishing to the army at large his sense of the usefulness and of the activity exhibited by the Cornwall Rangers.

By command, *G. Hillier*, D. A. G.

A. H Beaumont, Esq.

22 July 1836

The House of Assembly of Jamaica, enraged that I had performed my public duty without bloodshed, accused me of having caused the insurrection, and instituted a species of impeachment against me, which is to be found in the minutes of their proceedings, 1831-1832, page 335. Sir Willoughby Cotton was examined by them on oath in respect to me, as follows:—Q. What was the conduct of Mr. Beaumont during the rebellion?—A. As far as came under my knowledge highly praiseworthy. I recommended to the Governor the appointment of Mr. Beaumont to be lieutenant-colonel of a corps; I thought it expedient to be raised, and his conduct whilst in command of that corps was highly useful, enterprising and active.

Dear Beaumont, Devonport, October 5, 1835.

I RECEIVED yours this morning, and I have much pleasure in writing you the letter you wish, stating that in the rebellion in Jamaica, I authorized your raising a corps of cavalry, and that you had the command of it with the local rank of lieutenant-colonel commandant, and that I had every reason to be satisfied with your zeal and exertions whilst in the command. Yours, always truly, *Willoughby Cotton*, M. G.

I am actuated by no miserable egotism in placing these documents before the Committee, but aware of the vituperation which my evidence is sure to call down upon me, I wish that the Committee may judge of the estimation my evidence is entitled to, by considering the estimation in which the witness was held by those whose good opinion is at all events not less valuable than that of Jamaica planting attornies.

I beg leave to make an observation with reference to a remark implied in a question in my former examination; I am not exactly in the situation of a by-stander, because all my relations are proprietors of property in the island of Jamaica, and most of them of property in apprentices; myself and my wife have property in the island; and I am as deeply interested in its real welfare as anybody can be, certainly more than most planting attornies, because I have no property any where else, though it is not slave property; and what is of more consequence, the excellence of many of my nearest relations and friends is contingent upon the well-being of the colony. I will beg leave to hand in the following letter as a part of my evidence from a gentleman who has the management of Witney plantation in Clarendon; it appears to me to give some important information with respect to the management of the apprentices and the feelings of planting attornies. The extract from the letter is as follows:—

Witney, 11 November 1835.

I WROTE the planting attorney, that the apprentices were behaving and working as well as I could possibly wish; that I expected to double last year's crop, and that there had not been a complaint since the new system commenced. The reply was, "I observe that when any thing regarding the apprentices is brought forward, your manner and style of writing me is extremely dictatorial and quite different from the way I am addressed by the other gentlemen on the estates under my charge, and I have only to observe that the sooner and the more satisfactory it will be to me that you resign your situation." Now I will inform you what annoys this gentleman. I asked him to allow the apprentices to be educated by an independent minister, residing at the foot of the hill; he said he would sooner let the children alone; however, I agreed with Mr. Slatyer (the independent minister), that he should educate the whole of the people on the estate, without consulting with Mr. ——, the planting attorney, and I am happy to state that most of them can read a little, and some have commenced writing. This is the real cause of offence.

The writer of the present letter, Mr. Samuel Carson, is in circumstances to place him beyond the vengeance of the planting attorney, or I should not refer to his letter, and I adduce it to prove the hostility of planting attornies against the moral well-being of the negroes; for, not satisfied with a double crop, in this as in other circumstances, they desired to prohibit their black fellow men from receiving any species of information or increase of intelligence.

The following letter received from one of the negroes illegally held by the Honourable Mr. Bernard, one of the judges of the Supreme Court of Judicature (or King's Bench) in Jamaica, shows the manner in which that gentleman continued the illegal proceedings mentioned in the preceding part of my evidence:

Honoured Sir, Kingston, November 26, 1835.

I AM compelled, in consequence of the disgraceful manner in which we have been treated by Mr. Bernard, to address the following information to your consideration, which I hope will bear a small portion of your attention. About three months after your departure, all of us was taken up, by the instruction of Mr. Bernard, by the police of Kingston, where we

we was residing, handcuffed and carried to Spanish Town, then brought before the special magistate of that town, a Mr. Moseby, who convicted us to the house of correction for ten days; myself and Robert Johnson was ten days breaking stones within the house of correction; Allan Rockitt was a month on the highway, breaking stones; George Rockitt was flogged, received 25 lashes, and sent to Dawking's Common; Susan Rockitt absented herself, or she might have had her share; Mr. John Williams, the executor, was compelled to interpose in our behalf, in sending a petition to the Governor; his excellency committed the case to the consideration of the Attorney-General, who has not decided on the matter as yet; our eyes are looking for the speedy and beneficial protection which we are aware you are able to render us. Food given to us while confined, one quart of corn and a piece of shad a day for each man, which was very disagreable; I was compelled to go to Mr. Watkis, but finding him very sick I could not say any thing respecting the matter; I add no more, honoured sir, but remain, with every good wishes towards your well-being, *Robert Baswell.*

A. H. Beaumont, Esq.

22 July 1836.

P. S. Robert Johnson is still on Dawking's Common, detained by Mr. Bernard.

To Augustus H. Beaumont, Esq.

John Oldham, Esq., called in; and Examined.

John Oldham, Esq.

4577. *Chairman.*] YOU have long resided in Jamaica?—Twenty-two years.

4578. Are you a proprietor of land there?—I am.

4579. To which estate apprenticed negroes are attached?—Yes.

4580. In what parish have you principally resided?—In St. Mary's, and I have estates at St. George's, Portland, and St. Thomas's in the Vale.

4581. Have you been extensively employed as an attorney in managing estates in Jamaica?—Yes; I had about 4,000 apprentices under my charge.

4582. When did you leave Jamaica?—On the 29th of May last.

4583. Have you had those estates under your management from the period of the passing of the Emancipation Act up to the moment when you left Jamaica?—I have.

4584. Will you have the goodness to state to the Committee what your general opinion is of the manner in which the apprenticeship system is working?—I consider the apprenticeship system is working remarkably well. Immediately after the Act came into operation, the negroes gave a great deal of trouble, and, I believe, at the time the special magistrates were severe; but they, the special magistrates, were unacquainted with the negro character, and the negroes were under the impression that there was no law to compel them to work, that they had unlimited freedom, that they had no business to turn out any one day in the week, and they set the magistrates at defiance.

4585. Do you think, under those circumstances, the special magistrates were too severe?—They were obliged to be so at that time. The returns will show the punishments, which were all reported to the Governor; I believe those returns were given in on oath.

4586. Are you of opinion that the negroes have now come to a more correct understanding of the nature of their situation, and that a better feeling exists between them and their employers?—Yes, I feel confident of it, and it is improving every day.

4587. Mr. *Buxton.*] You have stated that, in the first instance, you think there was severity greater than you approved of?—Yes, I think the local magistrates would not have been so severe, and the negroes thought so.

4588. You think the special magistrates were, in the first instance, more severe than the local magistrates would have been, but that that necessity no longer exists?—Yes.

4589. Are you aware that there has been an increase in the number of punishments in the last year as compared with the first year?—I should think not; I think it is quite impossible; all the reports which I have heard from the special magistrates, when travelling about the islands, state that they have few or no complaints, either from the master or from the apprentice.

4590. Your impression is that there has been a considerable diminution?—Very considerable.

4591. But supposing it should appear by the official returns that there has been an actual increase, and that that increase amounts to 10,000, then your view as to the present condition of the negro will be altered?—No; the first three months after the Act came into operation was the time when the greatest number of punishments took place, and since that there have been very few in comparison, so far as my knowledge goes.

4592. Have you had access to the returns of the number of punishments between

August 1834 and August 1835?—No, I have not, but I understood so, not only from the special magistrates but from Lord Sligo himself and my own observation.

4593. Mr. *Gladstone.*] When did you understand it from Lord Sligo?—I think I was with Lord Sligo in May.

4594. Mr. *Buxton.*] When you say there has been a diminution of punishment, do you mean a diminution of all punishment or only corporal punishment?—A diminution of corporal punishment.

4595. Are you able to say whether there has been an increase of punishment or a diminution altogether?—Altogether I should say, because the negroes are better disposed and understand the law better, and there is a better feeling between the managers and the apprentices.

4596. Then your opinion of the improvement that has taken place rests partly upon the fact that there has been a decrease of the total number of punishments corporal and otherwise?—Yes.

4597. Sir *George Grey.*] Irrespective of the number of punishments, has there been an increase or a decrease in the severity?—A decrease; the magistrates seldom or never have occasion now to make use of the cat, they generally use switches.

4598. You are speaking of estates under your own immediate management?—And in my own immediate neighbourhood, the results of my own observation.

4599. Sir *James Graham.*] Is the use of the switches a light punishment?—It is a punishment that is generally made use of in schools, a kind of rod.

4600. How is the rod composed, of ebony?—There is only one part of the island where ebony can be procured; it is any kind of bushes that are growing near the house; I have been 22 years in the island of Jamaica, and I never saw an ebony bush or tree; we have not any of it on the north side of the island.

4601. Sir *George Grey.*] How many special magistrates are there upon the estates which have been under your control?—There are two in each of the parishes; there are four now in St. Mary's; the other parishes are St. George's, Portland and St. Thomas's in the Vale, and two magistrates in each.

4602. Then the conduct of about eight magistrates has come under your observation?—Yes.

4603. Mr. *Buxton.*] You have stated that switches are used; are females flogged with the switch?—Never.

4604. Has no instance of it come to your knowledge?—I heard of one, and that was the only case; I think the name was Slowly.

4605. Was that upon a plantation or in a workhouse?—In the workhouse; it never has occurred to my knowledge on a plantation, and only one case in a workhouse.

4606. Sir *George Grey.*] And a prosecution took place of Slowly in consequence of that?—Yes.

4607. What was the result of that prosecution?—I did not hear the result.

4608. Had it been brought to an issue before you left the island?—I do not think it was.

4609. Is it considered that that act was illegal?—Certainly.

4610. Has any instance come to your knowledge of chaining women and working them in chains in public streets?—Never, unless by order of a special magistrate; no other person can order it.

4611. Has such an instance occurred under the direction of a special magistrate?—They must have occurred; I have seen them working in the streets in Kingston.

4612. Was this during the time of apprenticeship?—I am only speaking with reference to apprenticeship.

4613. You have seen females working in chains there in the public streets?—Yes.

4614. Sir *George Grey.*] Those females had been sentenced to the penal gang?—Yes, for punishment.

4615. Mr. *Buxton.*] Does the special magistrate specifically order that they shall be worked in chains in the street, or does he sentence them to the penal gang; and then does the other magistrate direct the punishment?—The other magistrate cannot order any punishment, but they are sentenced to the penal gang by the special magistrate, and chained two together.

4616. Sir *George Grey.*] Have you had any opportunity of inspecting the interior of any workhouse yourself?—Yes, I have been in St. Mary's workhouse, and in St. George's.

4617. Have any persons been confined in those workhouses except apprenticed labourers?—Yes; we have only one place of confinement in each parish.

4618. Do you mean to confine that observation to the parish with which you are personally conversant, or to extend it to the whole island?—I do not know any parish in the island, except Trelawney, where they have two.

4619. In the workhouses which you yourself have had an opportunity of inspecting, are free people confined in common with apprenticed labourers?—The same; I know an instance of a gentleman of respectability being sent there for setting a court of inquiry at defiance, under the militia law.

4620. Mr. *Buxton.*] Do you know any instance during apprenticeship, in which a white person has been sent there?—I cannot call to my recollection, except seamen.

4621. Do you know any instance in which a white person, of any description, has been sent there?—I do not know of any, with the exception before mentioned.

4622. Sir *George Grey.*] Do you know any instance in which free persons of colour have been sent?—Yes.

4623. Do you know any instance in which a white person has been committed at all since the apprenticeship?—There are very few cases that have occurred in the island, with the exception of seamen.

4624. In the cases that came under your own observation, were they all chained?—I saw some in irons, but not in chains.

4625. Are any negroes sentenced to confinement, and not to penal gangs, put in chains?—Decidedly not; they would not dare to do so.

4626. What is the description of chain?—It is a very light chain, and a very light collar.

4627. Mr. *Buxton.*] You have stated that you have not seen any white person during the time of the apprenticeship in those houses; did you ever see any in the penal gang?—No, I never have; white people very seldom commit themselves in that way; if they do, it is generally seamen, and the local magistrates get them sent on board of ship.

4628. Do you mean to say that there is not a very low class, low in morals and low in property, of white persons in the island?—No, very few, except in towns.

4629. Mr. *Gladstone.*] Are free brown persons sentenced to penal gangs to work in chains?—I have never heard of any.

4630. Mr. *Buxton.*] Have you any idea of the proportion of crime between the white and coloured population in Jamaica?—There are so few of the white population that I can form no idea.

4631. Are you aware of the fact, that the number of white offenders is considerably greater in proportion to the population than the number of coloured persons who are guilty of crime?—I should think it very likely; a white man in that country, if he loses his character, becomes a vagrant, and can do nothing; he has no means of gaining his livelihood, but a man of colour can.

4632. If the proportion of crime is greater of white than of coloured persons, how happens it that you have not seen, in those places of confinement, any whites; is it that the place is one in which it would be against public feeling to place a white man?—I cannot say; for such offences as manslaughter or theft the white people are sent to the county gaol

4633. Supposing an apprentice were guilty of the same crime as a white man, would he be sent to the county gaol or to the workhouse?—I think he would be sent to the workhouse, in the first instance.

4634. Then, practically speaking, a white man is sent to one gaol and an apprentice is sent to another gaol?—The apprentice would be sent to the gaol where he is tried; if he is tried in the parish of Saint Mary's, he would be sent to Saint Mary's workhouse.

4635. Sir *George Grey.*] Suppose an apprentice was committed for manslaughter for trial at the assizes?—He would be sent to the county gaol.

4636. Are all apprentices kept in the workhouses who are not under sentence of punishment, but who are committed for trial at the assizes or quarter sessions?—They are sent to the workhouses to wait their trial generally, but if it is any thing that is to be brought forward in the assize court, they are sent to the county gaol.

John Oldham, Esq.

22 July 1836.

4637. If they are to be tried at the assizes, are they sent to the county gaol, and if they are to be tried before any tribunal inferior to the assize court, are they sent to the workhouse?—Yes.

4638. Mr. *Gladstone.*] In fact, is the mode of procedure regulated not by the class to which the party accused belongs, but by the nature of the offence, and by the court before which it is tried?—Yes.

4639. Sir *George Grey.*] If a free man of colour was committed for trial at the quarter sessions, where would he be sent to?—To the workhouse.

4640. Then the ground of distinction generally is the nature of the offence?—Yes.

4641. Mr *Buxton.*] Suppose a white man commits an aggravated assault, where is he sent to?—He would be brought before the local magistrates, and they would decide whether it should be the quarter sessions or the assize court.

4642. If he was sentenced to imprisonment, where would he undergo the term of imprisonment?—If it was for a short period, he would be sent to the workhouse.

4643. Practically, do you think the white prisoners are chiefly confined at the county gaols, and the apprentices at the workhouses?—I do not think there is any distinction.

4644. Did you ever see any white men in the workhouses during the time of apprenticeship?—Yes, I have seen a few cases; they are generally seamen or idle vagabonds.

4645. How many cases have you seen?—There are many seamen sent to workhouses; they are frequently sent there.

4646. You have, in visiting those houses, seen two or three white persons sent there?—I have known them sent there by order of the magistrates.

4647. Have you seen them confined there?—I have.

4648. Are you aware that any of them have been detained in the workhouse for any considerable space of time?—I believe they are allowed by law to sentence them 30 days.

4649. Have you ever seen one that has been confined that period?—I cannot say as to the number of days; but I have known cases where they have been sentenced 30 days.

4650. Sir *James Graham.*] Is the place of punishment at the workhouse more severe and more disagreeable than the county gaol?—I should say not.

4651. Mr. *Buxton.*] Have you ever seen a white man working in a penal gang?—I never have.

4652. Would it be offensive to the feelings of the white inhabitants of the colony if a white man were placed in a penal gang, and worked in chains in the street?—I do not think they would sentence a white man to a penal gang.

4653. Sir *George Grey.*] What has been the practice adopted among the 4,000 apprentices that have been under your control since the first of August 1834, as to the allowances they used to receive during slavery; have they been allowed to retain those allowances?—They receive their allowances the same as before the Abolition Act came into operation.

4654. Has any distinction been made in the allowances?—Immediately after the 1st of August I know that the indulgences were withheld; but it was in consequence of their refusing to work for money or payment of any kind, for extreme bad conduct, setting the magistrates and every body else at defiance.

4655. Sir *James Graham.*] Do you make a distinction between indulgences and allowances?—Certainly; in their clothing there has been no alteration.

4656. Will you state what you include under the head of allowances, and what under the head of indulgences; first, what are the allowances?—A negro is allowed his house, a certain quantity of clothing; he is allowed every thing that is ordered by the medical man in the hospital; and the mothers of children are allowed a certain quantity of sugar, flour or rice; those I consider under the head of allowances; and we are also bound to furnish them with sufficient land to raise provisions, and a cottage and garden close at home. The indulgences were, on some estates, a certain quantity of fish, herrings and other things; there are many estates in the island that have never had them; they are no part of their allowances; in many estates they were never allowed any.

4657. Then

4657. Then, when the conduct of the slaves was refractory, you stopped the indulgences, but you continued the allowances, and never withheld any portion of the allowances?—None whatever.

4658. Sir *George Grey*.] Was the stoppage of the indulgences universal among the 4,000 negroes upon the estates under your superintendence?—No.

4659. Did it continue long?—No, it was only temporary; it did not remain in force more than six weeks upon any of the estates.

4660. Sir *James Graham*.] When you left Jamaica the allowances and all the indulgences were in full operation?—They were.

4661. Mr. *Buxton*.] Was it the practice, during slavery, to provide water for the negroes in the field?—Yes, and it has been done since.

4662. Was it the practice to provide a person in the field to take care of the children?—Yes, and that continues. I heard that that had been discontinued in some parts of the island; but the moment the proprietor or attorney heard of it they ordered them to be given back.

4663. *Chairman*.] Do you mean that you give the allowances for the time which the negroes are bound by law to work, without requiring from them to work any extra time in consideration of those allowances?—They receive their allowances for 40½ hours of work in the week.

4664. And the indulgences?—The indulgences they receive for good conduct.

4665. Sir *James Graham*.] Do you make the indulgences then dependent upon their working extra hours for wages?—Yes.

4666. Mr. *Gladstone*.] Is that the case not only upon all the properties under your own management, but upon the generality of those with which you are acquainted in the neighbourhood?—I should say generally it was the case.

4667. Mr. *Buxton*.] Do not you know any case in which the extra time of the negro is required, either in exchange for indulgences or allowances?—Yes, for indulgences.

4668. Sir *James Graham*.] Your answer did not apply to the 4,000 apprentices under your charge, but it applied to some instances which you knew in other parts of Jamaica?—It applied to both.

4669. With respect to the 4,000 negroes under your charge, in any case has the grant of indulgences been made dependent upon the consent on the part of the negro to work extra hours for wages?—The indulgences have been continued to the negroes for good conduct when they work the number of hours prescribed by law, and did not refuse to work for wages.

4670. Under the head of good conduct, then, do you mean to include the stipulation to work extra hours for wages?—Yes; if they refuse to work for wages the indulgences are stopped; but they receive the same wages for their time which I pay to the owner of jobbing gangs, which is 1*s.* 8*d.* for ten hours.

4671. Then it appears that the indulgences are made by you contingent upon the promise to work extra hours for wages; does that extend to the allowances?—Not at all.

4672. Then they get their allowances, whether they consent to work extra hours or no?—Yes.

4673. But the indulgences you would not extend to negroes that would not work extra hours for wages?—No, I would not.

4674. In granting their wages, do you take their indulgences into account?—Not at all; we pay 1*s.* 8*d.* for a day of ten hours, and that is what I am paying to the proprietor of a gang when he sends his own people to me to work.

4675. And for single hours you pay in that proportion?—Yes, 2*d.* an hour.

4676. Then you pay universally for extra hours?—We do.

4677. And when you so pay, do you grant the indulgences as a matter of course in addition to the allowances?—Yes.

4678. Do the jobbing gangs who are paid at the rate of 1*s.* 8*d.* receive both indulgences and allowances?—They receive allowances; but how far they receive indulgences I do not know.

4679. Mr. *Buxton*.] Are you speaking of the amount in currency which is paid to them, or in sterling?—In currency.

4680. What is the proportion between the amount in currency and the amount in sterling?—The English shilling is called a maccaroni in Jamaica, 20*d.*

4681. Are you aware, that during the time of slavery, in committees that we had of the House of Commons, and in committees of the House of Lords, there was not that distinction made which you have now made between indulgences and allowances;

allowances; but credit was taken on the part of the West Indians for all the allowances which were made to the negroes as being the customary and universal allowances which the negroes received?—The allowances have always been the same.

4682. Did you then hear of the term "indulgences" applied to herrings and articles of that kind?—They were always in the habit of stopping them for misconduct.

4683. Were they called indulgences?—They were.

4684. Were they considered at the disposal of the master?—They were.

4685. Sir *James Graham.*] How long has this term "indulgences" been in use; has it come into use since the introduction of the apprenticeship in place of slavery?—Ever since I have been in the island.

4686. How long is that?—Twenty-two years.

4687. *Chairman.*] Do you know whether the consumption of herrings in Jamaica has generally diminished the last few years?—Yes, I think it has; because we get fish much cheaper from British America.

4688. Does the negro like the American fish as well?—Yes, they prefer the shad to anything that we can send out from England.

4689. Do you conceive that the consumption of salt fish generally has diminished in Jamaica?—No, I do not.

4690. Sir *James Graham.*] Is there any duty of customs by which the quantity imported may be ascertained?—No duty; but the import is easily ascertained from the Custom-house.

4691. Is it matter of certainty from the official returns?—Yes, it can be ascertained from the returns.

4692. Sir *George Grey.*] You stated there was an indisposition during the first six weeks of apprenticeship on the part of the negroes to work for wages?—Yes, they appeared to do every thing they could to keep the work of the estate back, fancying they were free.

4693. Was there a misapprehension existing at that time on the minds of the negroes, as to the condition in which they had been placed by the operation of the imperial Act?—I think there was.

4694. Subsequently to that period, speaking of the 4,000 apprentices whom you had superintended, has there been a disposition to work for wages in their own time?—There has.

4695. Are there any estates on which they have refused to work for wages?—I have not heard of any since the 1st of January 1835.

4696. Mr. *Gladstone.*] Do you mean that that is the case neither among those under your own care or others within the range of your knowledge?—There are none under my own care, nor any within my own knowledge.

4697. Sir *James Graham.*] Speaking of the negroes as under your own care, should you say that their willingness to work for wages has been progressively increasing?—It has.

4698. Has any taste for luxury been growing, consequent upon the receipt of wages by them?—Decidedly; I was one of those that fancied that it would have been better that the apprenticeship should have been done away with, but I now see that it is advantageous to both parties; the feeling has altered so much, and the negroes understand their own rights and duty much better than they did.

4699. Are they acquiring a knowledge of the value of money, and of the comforts which the possession of money commands?—They are.

4700. Has the furniture of their houses been improving, and their little comforts increasing?—Every thing. They object to the clothing they used to have; they now take money, and buy a better description of clothing.

4701. Then the practice of barter of commodity for commodity is diminishing, and the actual purchase by money is spreading?—It is.

4702. Has any alteration in their moral character been produced by this?—Very great, and has been improving ever since.

4703. What are the particular marks of change?—They attend regularly at church, and are very willing to attend when a clergyman calls them upon the different estates and assembles them together.

4704. Is that willingness to attend to religious duties becoming more general?—More general; the churches are crowded, and we are building others.

4705. Should you say that civilization is evidently progressing among them?—Decidedly.

4706. *Chairman.*]

4706. *Chairman.*] Are marriages increasing?—Very fast.

4707. Sir *James Graham.*] As far as your judgment would go, you would say that the general tone of feeling of the negro population has improved under the apprenticeship system?—It has improved and is improving; and I have no doubt that we shall go from one state to the other almost imperceptibly, from the apprenticeship to the free labour system.

4708. You would view that transition with less alarm than you would have witnessed a sudden and complete emancipation at the time of the passing of the negro apprenticeship law?—Certainly.

4709. That is the result of your experience, not having been originally favourable to that middle state?—Yes.

4710. Mr. *Gladstone.*] Has the working of the apprenticeship system made converts of many others besides yourself, who were at first unfavourable to it?—Yes, I believe the majority of the people in the island are favourable to it.

4711. Mr. *Buxton.*] Do you mean by that to include the negroes?—I mean the managers and proprietors.

4712. Mr. *Gladstone.*] Should you include the negroes or not?—I dare say the negroes would wish to dispense with the apprenticeship; they are fond of any change.

4713. Sir *George Grey.*] Have you made any preparation with a view to the expiration of the apprenticeship upon the property under your care?—I have.

4714. Have you introduced any regulations which improve their condition?—Yes; long previous to the Abolition Act I did away with corporal punishment as far as females were concerned, and would not allow it in any but extreme cases with males.

4715. Sir *James Graham.*] Do you think the desire of money and the love of luxury is becoming generally so strong among the apprentices, that, at the expiration of the apprenticeship, they will in future labour for wages and for luxuries, rather than not labour and not have money, and lay aside their luxuries and revert to their former wild condition?—I consider that the majority of them will work for wages.

4716. Mr. *Buxton.*] Do you consider that they are working for wages now, when wages are fairly offered to them?—I do.

4717. If the negroes are working for wages at this moment, what reason is there that they should not have the same freedom that is enjoyed by persons who work for wages in this country?—If the apprenticeship were done away with we should have to call upon them for rent for their cottages and for their land, and pasturage for their horses, pigs and cattle, and everything they keep now, and for which they do not pay anything. If the apprenticeship was done away with, we should have to pay wages and charge them for those things.

4718. Would it not be a great motive to them to work diligently, that the supply of their wants depended upon it?—I think they would, after the apprenticeship, after the year 1840.

4719. Have you ever met with any body of negroes that preferred the state of apprenticeship to the state of freedom?—I have not; I never spoke to them upon the subject.

4720. Do you believe that there exists a slave upon the whole island that would prefer the apprenticeship?—No, none.

4721. In point of fact, they consider it a hardship, but if they were made free they would begin to consider themselves benefited?—I do not think they consider it a hardship; they appear to be very much pleased with the change.

4722. Sir *George Grey.*] Have you any doubt that it is a benefit to the planters?—I think both parties are benefited by it.

4723. Sir *James Graham.*] Have you any doubt that the condition of an apprentice is a happier condition than the condition of a slave?—Their condition is very much improved.

4724. Mr. *Gladstone.*] Do you believe that there is a strong desire among the apprentices for immediate unqualified freedom?—I think there is.

4725. Is that desire such as materially to interfere with their contentment and satisfaction in their present state?—No, they do not expect it; they expect to serve out their time as apprentices.

4726. Do you think they are well contented with that prospect?—Yes.

4727. Sir *James Graham.*] Do they clearly comprehend that their present state will end in 1840?—Yes, they are perfectly aware of it.

4728. Do they look forward with hope and good humour to the expiration of their present condition, or do they view their present condition with bitterness, and look back with disappointment that their freedom is not complete at once?—They did at first, but they now appear perfectly satisfied.

4729. Then you do not anticipate any attempt by force to shorten that period?—None whatever.

4730. You think they will be satisfied with the hope and expectation of the period passing away and now rapidly passing away?—Yes.

4731. Mr. *Gladstone.*] Then is there, practically, any strong desire among the negroes for immediate unqualified freedom?—Certainly, they would like to be clear of their apprenticeship.

4732. Mr. *Burton.*] Do you know any reason why, at the expiration of their apprenticeship, they should not have unqualified freedom?—No; and I do not think there are any parties that wish it continued beyond 1840.

4733. The wish of the planters is, that they should have entire and unqualified freedom in 1840?—Yes.

4734. Do you object to any law being introduced which should cripple that freedom?—Yes; but we should require something in the shape of a Vagrant Act, because now the well-disposed people are alarmed, being fearful the bad-disposed will live by robbery then.

4735. What kind of a Vagrant Act would you require?—Mr. Burge would be better able to answer that question.

4736. What restraint would you place upon the liberty of the negroes?—None that I would not place upon whites.

4737. But you would not propose a restraint which should nominally extend to both, but in practice should only extend to the blacks?—Certainly not.

4738. What recommendation would you offer with respect to a vagrant law?—Some law to compel a man to work for his livelihood, or show how he gets his living; many people are living in towns by robbing others; there must be some law to check that; a white man going about the country is taken up if he cannot show how he gets his livelihood.

4739. Would you be satisfied by a law similar to the English law for preventing a person living by theft?—Yes.

4740. Sir *James Graham.*] We have laws in this country with respect to rogues and vagabonds, would those laws be satisfactory in Jamaica?—I should think so.

4741. *Chairman.*] Do you believe that the black population will speedily acquire property on becoming free?—Property is not acquired so easily; there are many that will, I have no doubt.

4742. Sir *George Grey.*] In looking forward to 1840, do the apprenticed population clearly understand that they will then lose their right to the house and pasturage and other indulgences to which you have adverted?—Yes, they are perfectly aware of it.

4743. Do you find any difficulty in obtaining work of any kind at fair wages?—No; the reason there has been so much said about their not working for wages is, that the negroes have a great objection to working on Saturday, and I think they are perfectly justified; they wish to have Saturday to themselves.

4744. Is there any difficulty in getting hoe work done for wages?—None whatever.

4745. The work in crop time, have you any difficulty in getting that done for wages?—None.

4746. Sir *James Graham.*] The night-work in crop time, is there any difficulty in getting that done for wages?—No, they are anxious to be employed.

4747. Mr. *Gladstone.*] Have those that are employed about the boilers the same wages as the others?—One shilling and eight pence for ten hours.

4748. Have they no higher wages?—It makes no difference; they prefer working in the manufactory to the field.

4749. Sir *James Graham.*] You say the negroes are preparing for the change to take place in 1840; are the planters generally preparing for it?—They are.

4750. You think, therefore, that prospective arrangements on both sides are made with a steady view to that change?—I think they are.

4751. Sir *George Grey.*] You do not think they, the planters, look forward to any extension of the period?—No, they do not wish it.

4752 Sir *James Graham.*] They are shaping all their arrangements perceptibly with a view to that change?—Perceptibly with that view.

4753. *Chairman.*]

4753. *Chairman.*] The public mind is quite settled upon that subject?—It is.

4754. Mr. *Buxton.*] It was held by a body of persons in this country, and almost universal in the West Indies during the time of slavery, that it was a romantic and foolish notion that negroes would work for wages; do you think that that notion has proved absurd, or that it is well founded?—I always thought it was absurd to suppose that negroes would not work for wages.

4755. Sir *George Grey.*] And experience has confirmed your former opinion?—Yes.

4756. Mr. *Buxton.*] That opinion being, that it is an absurd thing to suppose that negroes would not work for wages?—Yes.

4757. Mr. *Gladstone.*] Are you aware whether there were also a class of persons in this country, those most favourable to the interest of the negro, who maintained that the establishment of an intermediate state, like the system of apprenticeship, was a plan of all others the most chimerical and the most impossible to carry into execution?—No, I was not aware of that.

4758. *Chairman.*] What is the amount of the elective franchise in Jamaica?—I think it is a house of the annual value of 10*l.* currency.

4759. In 1840, will a great number of blacks be in possession of the elective franchise?—I think the best disposed among them will save money during the apprenticeship and purchase lands and houses.

4760. Do you think a sufficient number will be in possession of the elective franchise to give them a considerable influence in the House of Assembly, in case there was any disposition in any portion of the Assembly to treat them unjustly?—A great number of blacks are now freeholders, and our apprentices will be upon a footing with them.

Martis, 26° *die Julii*, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Charles Lushington.
Mr. William Gladstone.	Mr. Thornely.
Mr. Buxton.	Sir Stratford Canning.
Sir George Grey.	

MR. LABOUCHERE, IN THE CHAIR.

John Oldham, Esq., called in; and further Examined.

4761. Mr. *Buxton.*] YOU accounted for the desire which you thought the negroes felt for freedom, by saying that they were fond of change at all times?—They are very fond of a change, either of managers or special magistrates.

4762. Do you think they have no other reason for the desire of complete emancipation except the desire of change?—I think they have no other reason.

4763. Would they be equally well pleased to change their situation of apprentices to that of slaves again?—No, I do not think they would; and I doubt whether the planters would wish it, the thing having gone so far.

4764. How many hours do the negroes now work in crop time?—They only work eight hours by law; any hours that they work beyond that they are paid for at the rate of 2*d.* an hour; we seldom employ them more than 12 or 14 hours; it is not our interest to do so.

4765. How many hours consecutively can negroes be employed according to law?—They can only be employed nine hours out of the 24.

4766. Are you a magistrate?—I am a magistrate and assistant-judge for St. Mary's and St. George's.

4767. Are you in the habit of acting as a magistrate?—No; I seldom do unless to take affidavits. I confine myself to my own business in the country.

4768. Are you aware that there are two systems carried into execution in different parts of Jamaica, the one the eight-hour, and the other the nine-hour system?—There are. We work the nine-hour system when the mill is about, in crop time.

4769. Do not you think that the negroes feel themselves aggrieved by the eight-hour system?—No, I do not. We generally make an arrangement to suit the negroes. In some situations they prefer working till seven o'clock, and

taking Friday afternoon to themselves. On other estates they prefer having three or four hours in the middle of the day. It depends upon where their gardens or provision grounds are.

4770. Do you make the arrangement according to their wish and convenience?—We find it our interest to do so; they do more work when they are satisfied with the arrangement.

4771. Then you adapt the system to the convenience and to the desire of the negroes?—We endeavour to do so as much as possible.

4772. Do not you think that it would be desirable that the system which the negroes might find the most convenient to themselves should be adopted upon all the estates?—Yes, it generally is. The same system would not answer upon all estates.

4773. Have you heard of any case in which the eight-hour system has been imposed on the negroes as a kind of penalty for offences?—I could not name any cases.

4774. Mr. *Gladstone.*] Has the eight-hour system been generally in operation upon the properties with which you have been concerned, or the nine-hour system?—Both. Upon some estates the people work the eight-hour system, and upon others the nine.

4775. Which do you think is the most popular among the negroes?—I cannot say whether the greatest number of estates work eight or nine hours.

4776. Which system do you think is most popular among the negroes?—The negroes would prefer working four and a half days, that is, the nine-hour system.

4777. Is that preference so decided as to cause considerable discontent if the eight-hour system is adopted?—No, I do not think so.

4778. When they work the eight-hour system, can they employ the time beneficially to themselves on their gardens and provision grounds?—Yes.

4779. You said that the negroes can only be employed nine hours in a day according to the law; is that an opinion which you yourself have formed from inspection of the law, or do you merely report the current opinion in Jamaica?—I should say that is the law; they work 45 hours in each week. In crop time five days of nine hours.

4780. Are you aware whether the special magistrates assume that to be the law in the administration of the Abolition Act?—I cannot say; I should suppose so.

4781. Supposing you were to desire a negro to work 12 hours in the day without any offer of wages, would he consider himself bound to obey it?—He would not obey it.

4782. Are you aware whether, in case of a negro making a complaint upon such a subject, the special magistrate would adjudicate, or whether any such complaints have been made, and the special magistrates have adjudicated that they cannot be worked more than nine hours a day without remuneration?—The negroes are sensible that the law does not allow it to be done, and I never heard of any person attempting to enforce it.

4783. Practically, are you aware of any case in which an attempt has been made to make the negroes work more than eight hours without wages?—No, I am not, except in crop time, when they work nine.

4784. Do you know whether a legal question has been raised in Jamaica as to the right of a master to exact a greater quantity of labour?—No, I never heard it raised.

4785. Can you give the Committee any information as to the proportion in which the nine-hour system and the eight-hour system prevail over the island of Jamaica, according to the best of your belief?—It is not in my power to do so.

4786. Do you think the greater number of estates are worked by the nine-hour or the eight-hour?—I should think the greater number of estates are worked by the eight-hour system.

4787. Mr. *Buxton.*] Are you aware of negroes having been worked at the rate of 10 hours a day for the allowances?—No, I do not believe the negroes would do it.

4788. Sir *George Grey.*] Are you aware whether Lord Sligo has exerted himself lately, so far as recommendation goes, to secure the adoption of the nine-hour system in preference to the eight, as being more acceptable to the negroes?—No, I am not.

John Oldham, Esq.

26 July 1836.

4789. You are not aware of the instructions he issued to the special magistrates upon the subject?—No, I have seen very few of them. There was a system of keeping mills about 16 hours in the day, but it was not the same negroes. The negroes who came on spell at four A. M. attended the mill until 12 A. M., and another gang relieved them at 12, and worked until eight at night,

4790. Mr. *Gladstone.*] You have stated that no negro works more than nine hours a day upon the properties under your care, upon any estates within your knowledge, without wages. Can you state the extreme number of hours which a negro ever works within your knowledge, wages included?—I have known negroes working for wages to keep the mill about till 12 at night.

4791. From what hour in the morning?—Commencing at six.

4792. With regular intervals for meals, or getting his meals at spell times?—The way we arrange for the meals is to give an extra hand; for instance, among the cane carriers we put four instead of three, so that there is always one sitting down.

4793. How many hours of actual labour would there be in the case you have mentioned, the working from six in the morning till 12 at night?—About 10 hours.

4794. And that is the extreme which has fallen within your knowledge?—I have no doubt that the negroes would be willing to work longer than that for wages, but the manager would not allow them, because they would not be able to do a fair proportion of work the next day.

4795. You think there is a disposition in the negro to extend the time in which he works for wages, and in the manager to restrict it within certain limits?—Yes; negroes have applied to me to work the whole spell, but I would not allow them to do so; if the negro works the whole night for wages, he is not able to do a fair proportion of work for me in the eight or nine hours the next day.

4796. How many hours are included in the term you use, "the whole spell"?—The whole night; but it is not the interest of the proprietor to allow it. I beg to observe that Mr. Beaumont stated the other day that on an estate with 500 negroes there were only 240 that could keep spell. I should have no objection to allow that, although incorrect. He stated that they were divided into two spells of 120 each. I beg to state that the largest gang on spell I ever heard of in Jamaica was not more than 30; consequently each of those spells could be divided into four. We do not require more than 30 hands upon spell for a large estate, and 20 for a small one.

4797. Sir *George Grey.*] When you speak of a large estate, should you call the example mentioned by Mr. Beaumont a large estate or a small one?—I should call that a large estate with 520 negroes; he stated that there were 240 to keep spell; I state that 30 on each spell are sufficient.

4798. Mr. *Gladstone.*] Is the mill put about all night upon any of the estates under your management?—None under my management; I only know one estate, Shrewsbury in Portland, and upon that estate the negroes do so willingly for wages.

4799. Does your general knowledge extend to many estates in the island?—A great many on the north side.

4800. Are the estates under your management generally full-handed estates, or weak-handed?—Generally full-handed.

4801. Do you find it quite practicable to get off the crop and to grind the canes without continuing the work through the night?—Yes; it is not continued through the night upon any one estate.

4802. Sir *George Grey.*] Can you give the Committee any accurate information as to the quantity of sugar made upon any estate under your management in the last year?—Yes; on Esher estate in St. Mary's, the property of Messrs. Mitchells, they had equal to 400 hogsheads.

4803. How many negroes were upon the estate?—About 400.

4804. Was that the first crop after the apprenticeship system came into operation?—Yes.

4805. What was the amount of that crop as compared with the previous year?—It had made 400 hogsheads the three previous years.

4806. What was the prospect for the next crop when you left Jamaica?—I expect to make from 350 to 400.

4807. Can you state the particulars with respect to the other estates?—I have an estate in St. Mary's, called Orange Hill Estate; it is a fine property, the land is very good; we have 246 apprentices upon it, and the crop was equal to 340 hogsheads.

John Oldham, Esq.

26 July 1836.

4808. What proportion did that bear to the crop during the three years immediately preceding?—There was a difference of 10 hogsheads. I do not know whether it was more or less.

4809. What was the prospect upon that estate this year?—I expect to make the same.

4810. With reference to the other estates, were the results much the same?—Much the same upon the whole of them.

4811. Was there any sensible falling off in the first crop after the apprenticeship system came into operation as compared with the crops the few years preceding?—No, there was not; there would have been if the negroes had not agreed to work for wages.

4812. But in point of fact, about the same quantity of sugar was made upon those estates?—Yes; and I have paid about 2,000*l.* wages to the negroes since August 1834.

4813. That would include the crop of the first year and the preparation for the second?—Yes.

4814. Upon the whole was the appearance of those estates for the next crop as good as it had been in the preceding year?—Yes.

4815. You mean that the wages you gave for the extra labour performed upon the several estates under your management had amounted to about 2,000*l.* currency up to the period of your leaving the island?—Yes, on the 29th of May last.

4816. Between the 1st of August 1834 and the 29th of May 1836?—Yes, and additional jobbing.

4817. Is it your opinion that upon the present system the cultivation of sugar may be carried on with the same advantage to the proprietor as it was under the previous system?—I think it might if there was not any interference in England, which only tends to perpetuate the unpleasant feeling which existed immediately subsequent to the 1st of August 1834. I am afraid that the negroes will hear that something is going on in England, and as they invariably misconstrue everything, they will fancy that the apprenticeship is about to be done away with, which will unsettle the minds of the negroes and the present favourable state of things.

4818. Have you invested any property in the purchase of land in Jamaica?—Yes; I have purchased an estate since the Act came into operation.

4819. Are you contemplating any further purchase?—Yes.

4820. Mr. *Buxton*.] How many negroes are under your direction?—Under 4,000.

4821. What was the amount of compensation received for those 4,000 negroes?—I do not know; we have nothing to do with it in Jamaica; it was all paid in England. I merely had the people valued, and sent home copies of the valuations; I do not know what the parties received.

4822. Can you state about how much?—I should say about 19*l.* sterling all round.

4823. That would be about 76,000*l.* sterling for the 4,000?—Yes.

4824. What would be the interest of that for the period of 22 months, at 4*l.* per cent.?—£. 5,573 6*s.* 8*d.* sterling.

4825. What would that be in currency?—At 10 per cent. premium, about 8,582*l.* currency.

4826. So that in point of fact the planter does not appear to have been a great loser, because he has paid 2,000*l.* currency for wages, and he has saved, allowing four per cent. to be the rate of interest, 6,000*l.*?—Yes, but he runs a considerable risk; we do not know how the thing will work after 1840.

4827. In this case it is assumed that the rate of interest is four per cent. What was the rate of interest that the planters were charged by the mortgagees in England before?—Five per cent.

4828. Was there not also some condition of sending their consignments to the merchant in London, which also considerably enhanced the payment that was made by the planter?—It was an advantage certainly to the merchant to have the additional business, but the proprietors would have been obliged to consign to some other merchant, if not to him.

4829. Was not there a commission also charged?—The usual commission that would have been charged whether the money had been advanced or not.

4830. Mr. *Gladstone*.] Are you aware whether mercantile houses in any branch of trade are in the habit of doing business without commission?—I should think not.

4831. Mr. *Buxton.*] Do you believe that any party who was totally uncumbered with any mortgage on his estate could not have made arrangements more advantageous than those persons who were in embarrassed circumstances, and who had mortgages on their estates, did make with their merchants?—No, I see no difference. Upon my own estates, which are unencumbered, the charges are the same.

4832. You think it is no disadvantage beyond the payment of the interest that the planter should have his estate under mortgage?—No, I do not see any.

4833. Then the planter whose estate was mortgaged, supposing that he had the same number of negroes that were under your management, and supposing that the amount of mortgage was 76,000 *l.*, has saved five per cent. upon that sum between the 1st of August 1834 and the 31st of May 1836?—He has saved that by paying off part of the mortgage.

4834. Supposing a planter was at this moment in debt 76,000 *l.*, paying interest at five per cent., with whatever loss he might also sustain by the commission in the next 22 months, what would be the amount of interest that he would have to pay at five per cent.?—It is 6,966 *l.* 16 *s.* 8 *d.* sterling.

4835. What is that in currency?—About 10,728 *l.* in currency.

4836. So that in point of fact his loss has been in the last 22 months 2,000 *l.*, paid in wages in currency, and his gain will be a saving of 10,000 *l.*, making an advantage to him of 8,000 *l.* currency?—Yes, for the risk he runs of total failure after the expiration of the apprenticeship.

4837. Sir *George Grey.*] Do you anticipate a total failure after the expiration of the apprenticeship?—I do not, but the majority of the people do, who are as capable of judging as I am.

4838. Mr. *Gladstone.*] Do you anticipate that after the expiration of the apprenticeship, supposing all things to go on well, sugar cultivation may be continued as profitably to the planter as it has been in ordinary times?—No, I do not think it can.

4839. In point of fact, what is the general view you take of the income that the planter derives during the apprenticeship. Do you think a prudent man ought to regard it his income, or that he ought to regard it in a considerable degree as the recovery of the capital?—As the recovery of capital.

4840. Can you state what you take as the basis of your own calculation, in determining the price which you offer to give for properties in the West Indies, at how many years' purchase you calculate them?—I would not give more than four years' purchase.

4841. *Chairman.*] And yet you said that property sells better now than it did immediately before the Emancipation Bill passed?—Immediately before the Emancipation Bill passed negroes could be purchased for almost any sum.

4842. What could landed property in Jamaica be purchased for immediately before the Emancipation Bill passed?—There were no sales.

4843. Do you consider that at this moment landed property is of higher value than it was immediately before the passing of the Emancipation Bill?—I think it is, in consequence of the advance in the price of produce.

4844. You think that the depreciation had gone so far immediately before the passing of the Emancipation Bill, that the state of the market was unnatural; but that now the value of property is in a healthy state, and that there are now some data for calculation, whereas before there were none?—There was none before.

4845. Mr. *Thornely.*] You are yourself willing to become a purchaser?—Yes, but I am not willing to give more than four years' purchase.

4846. *Chairman.*] What did estates sell for five years before the Emancipation Act passed?—Estates had been decreasing in value from 1823. The estate which I purchased cost the proprietor 35,000 *l.* and I paid 12,070 *l.* for it.

4847. Did the 35,000 *l.* include the negroes?—Yes.

4848. Can you state any period at which the same estate would have sold for the sum which it is now selling for?—No; I purchased it immediately after the Abolition Act came into operation, at the very worst time.

4849. Are you aware of any estate which has been sold recently?—I was offered Mr. Morris Jones's two estates (he told me they had cost him 50,000 *l.*) for 9,500 *l.*

4850. When did they cost him 50,000 *l.*?—He has had them 25 to 30 years.

4851. For how many years' purchase would you buy those estates?—Those estates had been badly managed, and would take 12 to 18 months to bring them up;

John Oldham, Esq.

26 July 1836.

up; I should say they would not clear themselves in four years, consequently I did not make the purchase.

4852. Mr. *Buxton.*] When was the estate purchased for which 35,000 *l.* were given?—I think in 1822.

4853. Sir *George Grey.*] Has the price of sugar increased considerably since the alteration in the system?—It has; which is, I believe, in consequence of the labouring classes being in full operation; if sugars had remained at the price they were 12 months previous to the Abolition Act, half the sugar estates in Jamaica would have been discontinued as such.

4854. Mr. *Gladstone.*] You think that even granting all the other favourable circumstances, supposing the negroes willing to work for wages, and the proprietors willing to pay them wages, still the cultivation of sugar could not have been carried on upon more than half the properties unless there had been a rise in the price of sugar?—Yes.

4855. Do you think the West Indians have any right to calculate upon the present prices of sugar as likely to be permanent?—I fear not; if sugar should go down again to the prices which existed from 1830 to 1834, a large portion of the estates will be discontinued.

4856. The question does not refer to the consequences of a fall so low as that, but whether you think you can calculate upon prices being maintained for any considerable time at their present height?—I am afraid they will not, in consequence of the duties being equalized upon East India sugar.

4857. You have stated that you raised about the same quantities of sugar upon the estates under your own management in the year 1835, as in the three previous years; will you state how you consider that the crops of those years, respectively, were affected by the seasons?—The seasons were very fine, both in 1835 and 1836.

4858. Were they finer than during the three previous years?—It has been remarked in Jamaica that the seasons were finer in 1835 and 1836 than for many years previous.

4859. Do you know whether a decrease has taken place in the sugar production of the island generally?—Yes, of from 8,000 to 10,000 hogsheads.

4860. To what cause do you ascribe that?—The negroes on some parts of the island were not so willing to work as upon others.

4861. Were your own estates full-handed estates, and in general more favourably circumstanced?—They were; the majority of them are very fine estates.

4862. Are you aware what amount the owners have had to pay for wages to the negroes?—I have heard of as much as 15*s.* a hogshead.

4863. You have stated the amount you have paid for wages upon your own estates under your own charge, and you have enabled the Committee to compare that amount with the amount of interest of the compensation money; can you state the relation between the amount of wages paid, and the interest of the compensation money, upon other properties?—No, I cannot; there are many that have paid more, and others less.

4864. Do you believe that, generally, the estates have paid more or less relatively to the quantity of sugar produced?—It depends upon the nature of the estate. Upon some properties they require very little spell-keeping, upon others they keep about till 12 o'clock.

4865. Do you consider that generally upon the estates in Jamaica the planter can continue to produce the same quantity of sugar as he did before the abolition, at the same time only paying annually to his negroes, in the shape of wages, one-fifth of the amount of the interest on his compensation money?—I think he may during the apprenticeship, with additional jobbing, but not afterwards.

4866. Without going beyond that limit, generally speaking, in wages?—I think he may.

4867. Sir *George Grey.*] You have stated that one reason to which you attribute the deficiency of the crop, generally, through the island, was, that the negroes on all the estates were not equally willing to work for wages; are you aware also that when the system began there was an indisposition among many of the managers to offer wages?—No, I never knew an instance of it; it has been reported, but I never knew an instance of it.

4868. Have you seen a return of the estates on which wages have not been offered?—I have seen it in what is termed the Blue-book.

4869. Have you any means of stating the correctness of the information contained in that return?—I think it is incorrect, because I observed that Lord Sligo has made some remarks against the reports himself, stating that they were incorrect.

4870. Have

4870. Have you looked at the table of estates on which wages have been offered and taken, and of those upon which wages have been offered and refused, and of those upon which wages have not been offered?—No, I have not looked particularly into them; I saw there were some estates where wages had not been offered, but I believe it is incorrect. There is an estate which is under my management, and where it is said that no wages were offered, but I can prove that a considerable sum has been paid to the negroes upon that estate.

4871. Do you think that there was in the early period of the apprenticeship a general impression, on the part of the managers, that the negroes would work for wages?—No, they were fearful that they would not; they were anxious that they should.

4872. Do you think that fair wages are generally offered?—The negroes at first would not take any wages; they wanted 5*s.* a day, which it was impossible to give.

4873. Can you form any comparative estimate of the amount of work done by the same number of negroes now, with what was done during slavery?—I think the negroes do as much work during day-time now as they did during slavery.

4874. When you say during day-time, you mean in nine hours?—Yes.

4875. Have you made any comparative estimate of the amount of work done by the same number of negroes when they worked for wages and what they would do under compulsion?—Yes; when they work for their master they dig from 60 to 70 cane holes a day, and when they work task-work for wages they will dig 120.

4876. Mr. *Gladstone.*] You say they do as much in a day as they did formerly under slavery; you mean that taking the same number of hours a day, they do as much in nine hours now as they did before, under compulsion?—Yes.

4877. Do you include in working for wages working in task-work?—Yes.

4878. Mr. *Buxton.*] The total amount of work done during the apprenticeship is then as great as the total amount of work done during slavery?—In the same number of hours.

4879. When they are working for their master, they do the same as during slavery; but where they are working for wages, they do a great deal more?—Yes.

4880. And therefore though it is said that there is less time in which they are employed, yet, as they work harder, is the total amount of work done now equal to the total amount of work done in former periods?—In the same number of hours; they do as much now in nine hours as they did before.

4881. Mr. *Gladstone.*] Is the same amount of produce made?—By hiring them extra hours.

4882. Mr. *Buxton.*] During crop time do the negroes do as much work now as they did in crop time before?—In the same number of hours.

4883. Sir *George Grey.*]—Putting the whole together, is the aggregate amount of labour performed by a given number of negroes the same that it was before?—Yes.

4884. Mr. *Buxton.*] What was the total produce of your crops during the 22 months?—I cannot state that without reference to my books.

4885. They produced as much sugar as in former times?—They did.

4886. May it not be inferred from that, that the negroes did as much work?—They did, by being paid for their extra hours.

4887. Ten shillings currency, how much is that sterling?—About 6*s.* 8*d.*

4888. In the 22 months you have paid amongst the 4,000 negroes 2,000*l.*, that is 10*s.* currency per head; now 10*s.* currency is 6*s.* 8*d.* sterling, so that for the 22 months, upon the average of the whole population upon those estates, the wages is 6*s.* 8*d.* sterling, or about 4*s.* a year; is that an accurate statement?—The question refers to money paid for wages. The estates have gone to a considerable expense for jobbing, in addition to the money paid to their own negroes. An estate that paid 300*l.* for jobbing before, is now paying 500*l.*; this must be taken into calculation; I am speaking with reference to money paid to the apprentices; our jobbing accounts are now nearly doubled.

4889. *Chairman.*] How many of the 4,000 apprentices really receive the money?—I should say not more than 1,000 or 1,500 of them.

4890. Did the rest refuse to work for wages?—No, they did not; we do not employ them upon Saturdays; we get jobbers.

4891. Sir *George Grey.*] Do you employ, upon the estates under your care, only the able-bodied labourers, or do you hire them all round?—We allow them to take turns.

4892. Then part of that has been paid to women and children?—Yes, if they wish it.

4893. Mr. *Buxton.*] And the average of what they have received has been 6*s.* 8*d.*?—A considerable deal more, and nearly double was paid for jobbing, which must be taken into the calculation; and I should say that after deducting that, we shall find nothing left for interest, even taking it at four per cent.

4894. Then the Committee are to understand that when the negroes are said to be in a state of freedom, and that they are enjoying a considerable portion of wages, what is meant by that is, that they get 4*s.* a year sterling wages, besides the advantage they may derive from their Saturday?—They could get more if they wished to work for it. I said that there were not more than 1,500 working for wages, which would be 2*l.* 13*s.* 4*d.*

4895. Are there as great a number of persons engaged in the work now as in former times, as many negroes disposed to work as in the time of slavery?—We do not require them; they only work in spell-time upon the estates. They object to work upon the Saturdays; they work their own grounds, and we employ jobbing to the amount of about 200*l.* a year extra; I should say that would cover the amount received for interest, which has been my calculation in my letters to the parties for whom I act.

4896. Will you state how you make out that calculation; you have stated that you have paid 2,000 *l.* in 22 months for wages, and that you pay at the rate of 300*l* or 400*l.* a year currency for extra jobbing gangs; how do you make that to amount to the 10,000*l.* that may be saved in cases where the estates are not mortgaged?—On sugar estates, upon an average, there is from 200*l.* to 300*l.* a year for extra jobbing.

4897. Mr. *Gladstone.*] Are there any extra expenses incurred upon an estate under the apprenticeship, besides what you have mentioned?—Yes, for machinery. Steam-engines upon some estates have been got out since.

4898. Surely they might have been got out even if slavery had been continued?—No; the negroes were divided into three, four and five spells; the work used to be continued night and day, but now we do not employ them during the night.

4899. Can you state to the Committee what is the entire amount that you paid upon the 20 properties under your charge in the 22 months of the apprenticeship for jobbing gangs?—I should say it is equal to the interest of the compensation money, reckoning it at three and a half per cent.

4900. Cannot you state either the gross sum you have paid, or how much you have paid upon some particular estate, or the average?—I should say an average of 250*l.* a year for extra jobbing for each estate, and about 100*l.* a year to the negroes.

4901. Is this 350*l.* for jobbing upon each estate a charge no part of which would have been incurred under the old system?—It is.

4902. If you have paid 350*l.* a year for extra jobbing, does not that give a sum of 7,000*l.* currency in a year, and above 12,000*l.* currency in 22 months of the apprenticeship?—Yes; my calculation was that the interest of the money, at three and a half per cent., would not do more than cover the extra expense.

4903. Mr. *Buxton.*] Will you be kind enough at the next meeting to produce to this Committee the actual sum that you have paid for jobbing gangs, and what that would be extra to what you were in the habit of paying before?—I cannot do that without being in my counting-house in Jamaica.

4904. Cannot you get it from the returns you sent to this country?—No.

4905. Mr. *Gladstone.*] Have not you the same account of what you have paid for jobbing gangs that you have of what you paid for wages?—I have in Jamaica.

4906. Mr. *Buxton.*] Are not the proprietors of those 20 estates able to produce the amount that you have paid for jobbing gangs?—They have not all of them got their accounts.

4907. They have for the first year of the apprenticeship?—Yes, most of them.

4908. Can you produce those?—It is impossible for me to get them, they are in all parts of England.

4909. Sir *George Grey.*] Could you, by any means to which you have access in this country, obtain more accurate information upon this point without producing the documents themselves?—I will try if I can do it.

4910. Mr. *Gladstone.*] Are you sure that you are correct in stating that you have paid so large a sum as 350*l.* upon each estate annually for extra jobbing gangs during the apprenticeship; because that gives a total of between 12,000*l.* and 13,000*l.* currency for jobbing gangs, and adding to that the 2,000*l.* wages, we

we get an amount of between 14,000*l.* and 15,000*l.*, which greatly exceeds the interest of the compensation money, which you took as the basis of the calculation of the expense of those jobbing gangs?—I stated to the parties at home that I thought I should be able, taking the interest of the compensation money into consideration, to keep up the cultivation.

4911. Do you still think that the amount was so large?—It is impossible to state, without having the books. I know that upon one estate, Decoy, the amount was 700*l.*, where it used to be 360*l.*

4912. Sir *George Grey*.] Have you found that the calculation you have made was an incorrect one, and that the interest of the compensation money did not cover those expenses?—No, I do not think I have.

4913. Do you think there was any wide difference?—No.

4914. Mr. *Buxton*.] Who is the proprietor of Decoy estate?—It belonged to Mr. Archdeacon Pope; he has just returned to Jamaica.

4915. Will you take upon yourself confidently to state that you have paid upon the average 300*l.* a year additional for jobbing gangs?—On reference to my notes, I find the 300*l.* is for 22 months, and not for each year.

4916. Then you have no doubt that about that sum has been paid?—There has been about 300*l.* for 22 months; but I should wish to refer to my books in answering these questions, because it is impossible to be accurate without.

4917. Will you state the names of the estates upon which this 300*l.* a year was paid?—Fort Stewart estate.

4918. How many negroes?—I cannot go into that unless I have my accounts.

4919. Cannot you tell whereabout?—I must object to answer these questions, unless I can give a decided answer. The numbers are altered considerably since the children under six years of age have been withdrawn: I think Fort Stewart has 440 negroes.

4920. What is the next estate?—The Decoy estate.

4921. Can you prepare a list of these estates for the Committee?—Yes; but I do not not see how I can put down the number of negroes upon the estates.

4922. Will you put them to the best of your knowledge?—I will send a list, to the best of my knowledge.

4923. To the best of your recollection, without pretending to be accurate, what do you suppose to be the number of negroes upon each of those estates?—Agreeably to the request of the honourable gentlemen composing this Committee, I give the number of sugar estates, with the total number of negroes upon them; also the number upon the breeding pens; but, with every sentiment of respect, I trust I shall be excused giving the names of the estates:—

14	Sugar estates - - -	3,350 negroes.
5	Breeding pens - - -	500 ditto.
		3,850

4924. How do you divide the spells of the negroes upon the Mount Pleasant estate?—They do not keep spells; they do not work after seven or eight o'clock at night.

4925. Do you pay them wages?—Yes, for their over hours.

4926. Mount Pleasant is a sugar estate?—It is.

4927. How do you manage without keeping spell?—We make the quantity of sugar in the day-time.

4928. Without having any night-work?—We have the mill about from six in the morning till seven at night, and the boiling-house until about nine.

4929. *Chairman*.] Are the Committee to understand that those negroes who do not work for wages upon the estates which you have managed might do so if they pleased, and that you would prefer their services to those of the jobbing gangs?—Yes.

4930. But there were only 1,500 out of the whole number who received wages?—Yes.

4931. Were they always the same 1,500 negroes, or do you mean that no more than 1,500 at a time received wages?—There were never that number at one time who did receive wages.

John Oldham, Esq.

26 July 1836.

4932. You spoke of machinery as an extra expense belonging to the apprenticeship; was not that machinery ordered upon the general principle of saving labour, and do not you suppose that its results will be beneficial in that way?—Upon the estate that I got out a steam-engine, we found the water-mill sufficient by keeping it about 24 hours, and now we have a steam-engine, that is not necessary. The proprietor would not have gone to the expense under the old system.

4933. Have the expenses of machinery so procured, in order to effect a diminution in the quantity of labour required, been considerable upon all the properties under your charge?—No, that is the only estate which I have got a steam-engine for since 1 August 1834.

4934. Are you aware whether that is a singular case, or whether a great number have been imported?—I have not heard of steam-engines being imported; I have heard of machinery being put up.

4935. Do you think that any great expense has been incurred under the apprenticeship, except that of wages to the negroes for extra time, and increased charge on account of jobbing gangs?—No considerable expense.

4936. Sir *George Grey*.] Do you think that machinery may be made applicable to the cultivation of sugar?—Yes, there is great room for improvement.

4937. Do you think that by the introduction of steam-engines there might be a great saving in the amount of labour in the cultivation of sugar?—Yes.

4938. Mr. *Gladstone*.] How would you apply it?—In grinding canes and carrying the canes to the mill, and various other ways.

4939. Is there any other part of the process to which it can be applied beneficially?—No, I do not know any other.

4940. Is the use of the plough increasing in Jamaica?—It is; I have had them in use for many years.

4941. Sir *George Grey*.] And it answers the purpose?—Yes, and saves a considerable expense to the proprietor.

4942. Mr. *Gladstone*.] Is there a tendency in the rate of wages to increase as the apprenticeship advances?—No.

4943. Then there is no principle of competition sensibly in operation?—No; it is pretty generally understood that a negro works a day for a macaroni.

4944. Is there any tendency to decrease?—No; if I was to refuse 1 *s.* 8 *d.* the people would get employment elsewhere.

4945. Have you known instances of negroes upon an estate getting employment elsewhere in their own time?—Yes; I have employed other people's negroes; there is no objection to it whatever.

4946. Do you in that case employ them by an agreement with them, as you would a jobbing gang?—I agree with them for their own time.

4947. Mr. *Buxton*.] Do you think that in general persons would have any objection to their negroes being employed by others?—No; I should have no objection to my own negroes being employed if I did not want them myself; I should like them to have an opportunity of getting wages.

4948. Mr. *Lushington*.] Have the negroes been known to confederate for the purpose of obtaining high wages?—Immediately after the Abolition Act came into operation they did, but not recently.

4949. To what do you ascribe that change?—A better feeling; they were not aware at first what they ought to ask for wages.

4950. Do you ascribe it to any indifference as to obtaining a larger amount of wages after they have provided themselves with the mere necessaries of life?—Not at all.

4951. Sir *George Grey*.] What is the distance of the provision-grounds generally from the estate where the negroes are employed upon the estates under your management?—Upon nine estates out of ten it is not more than a mile or a mile and a half.

4952. How far are those provision-grounds from any market generally?—The greatest distance is about 10 miles.

4953. What is the average distance?—About five or six, because some of them are very near the market.

4954. Mr. *Buxton*.] What is the greatest distance which the provision-grounds are from the estate?—I do not know any that are two miles on the north side. On the south side of the island they cannot have provision-grounds upon the estate, and there the negroes have an allowance of corn.

4955. Sir *George Grey.*] What is the state of cultivation in the provision-grounds generally; do they cultivate the land well?—Yes, they cultivate a considerable quantity of provisions, but they pay no attention to the soil; as soon as the soil becomes exhausted they leave it and take fresh land.

4956. Mr. *Gladstone.*] Is it uniformly the case that where the negroes have mountain grounds they receive an allowance of corn?—Yes, I have understood that upon the south side some estates have paid as much as 1,000 *l.* a year for corn, when the corn crop had failed.

4957. Upon the north side of the island what is the quantity of provision-ground generally given?—There is no quantity given; they take what they think proper; there is no limit whatever.

4958. What sized patches do they generally occupy?—They have as much as they think proper; about half an acre each. They carry an immense quantity of provisions to market. Now it is so abundant in the island, that it will scarcely pay them; consequently they are more willing to work for wages.

4959. Will any one negro have an acre or two acres?—One negro would be able to raise as much provisions as would supply a family of ten upon one acre of ground.

4960. Is the quantity of provision-ground ever the subject of dispute between the negro and his master?—I never heard of such a thing.

4961. Are you aware whether special magistrates are in the habit of giving awards of wages to be paid to negroes when they have been unduly withheld—I never heard of such a complaint. The magistrates will sanction any arrangement that they make, but the negroes object to that; they prefer making their own arrangement.

4962. You never heard of any case having arisen in which a contract was broken?—No.

4963. Mr. *Buxton.*] Are you acquainted with the parish of St. Elizabeth?—No, I am not.

4964. You have stated that the provisions are extremely abundant now; are they more abundant than they were during the time of slavery?—Yes, certainly; the negroes having so much time, they have been planting provisions, fancying that they would get the same price for them as formerly.

4965. You have stated that as much work is done now as formerly, and as much sugar produced upon the estates under your care, and there is a much greater quantity of provisions now than formerly, and that machinery has been introduced?—Machinery has been introduced upon one estate under my management, on Lennox estate.

4966. Have you known any instances of machinery being introduced in former times?—Yes.

4967. Is not machinery getting more in use now than it was in the time of slavery?—Ploughs are becoming more general in the island.

4968. You have stated that the negroes do double work for wages in their own time compared with what they did during slavery?—If a negro is employed to work task-work, I have known them dig 120 cane-holes, and the manager never exacts more than 60 to 75.

4969. You have stated that the proprietors of the estates under your management could have got very little for their estates at the time immediately preceding the abolition of slavery, and that they have since that been entitled to receive 76,000*l.* and have the estate still?—The estates were depreciated in value in consequence of the abolition of slavery.

4970. And they have either received, or are entitled to receive, 76,000*l.* as compensation?—Yes, which is about one-third of their former value.

4971. Sir *George Grey.*] Do you know instances in which young children have been apprenticed in consequence of the parents not maintaining them, under the 13th clause of the Abolition Act?—Not a single instance.

4972. Is it the fact that the parents maintain their free children?—They do; I never heard an instance where they wished to apprentice any of them.

4973. Mr. *Gladstone.*] Does the estate contribute nothing to the maintenance of the children under six years of age?—I allow them everything the same as before.

4974. Then do the parents maintain them or do you maintain them?—The parents are bound to maintain them, but I assist them.

4975. You furnish clothing and you furnish medical attendance?—Yes.

 4976. Who

John Oldham, Esq.

26 July 1836.

4976. Who furnishes food for the children?—They are fed out of the provision-grounds of the estate upon which their parents work. As soon as any free children are old enough to work for wages, if they refuse to do so they are struck out of the list, their indulgences are withheld.

4977. Sir *George Grey*.] Have many applications been made by the negroes upon the estates under your control for an appraisement, under the compulsory manumission clauses?—In two or three instances on each estate.

4978. Are you aware of any instance in which an appraisement having been made, the money has not been paid, and consequently the apprentices have remained subject to the apprenticeship?—Yes, I have known such cases.

4979. Are those cases in which the money has been permanently unpaid, or has the payment merely been postponed?—Both; I have known cases where they have been valued, and after deciding the amount they were to pay, they have refused to pay the money.

4980. How many negroes upon the estates under your management have availed themselves of the compulsory manumission clauses and obtained their freedom?—I should say from two to three upon each estate.

4981. What have they turned their hands to after they have got their freedom?—They have not in any instance hired themselves to the property; they have generally gone to the towns.

4982. Of what class of apprentices have they been?—Generally the best people upon the estate, and the most able.

4983. Tradesmen?—Tradesmen and field negroes.

4984. Can you state the value which has been placed by appraisement upon those negroes in the instances to which you have referred?—A field negro from about 25 *l.* to 35 *l.* currency.

4985. Have you known any valuations of a higher rate than that?—I knew one, a man that was valued immediately after the Abolition Act came into operation. He was a very valuable tradesman; he was worth 50 *l.* a year to the estate, and he was valued at 120 *l.* He refused to pay the money, and subsequently he came forward, and a reduction was made for the length of time that he had been working, and he paid the remainder. He is now free.

4986. Do you mean to say that the labour he had performed in the interval was taken into account as part of the money?—Yes.

4987. Do you mean to include in that the labour performed during the time when he was compelled by law to work for his master?—Yes.

4988. The whole labour performed in the interval was valued and deducted from the price?—Yes, it was reduced to about 80 *l.* or 90 *l.*

4989. Have you been aware of any transfers that have taken place of the services of apprentices from one employer to another?—Yes, I disposed of some myself.

4990. How many?—Twenty-six.

4991. In one lot, or separate?—In one lot.

4992. What did those 26 comprise?—Principally tradesmen, field negroes and invalids.

4993. Were they families?—Yes.

4994. Any children?—One or two.

4995. Any women?—Yes, I suppose 10 females.

4996. Do you know the price paid for the transfer of those?—I got 1,300 *l.* for them.

4997. At what time did that sale take place?—Early in 1835.

4998. Were they prædial or not prædial?—They were prædial.

4999. Then they had about 5 ½ years of the apprenticeship to run?—Yes.

5000. What proportion would that 1,300 *l.* bear to the price to which those negroes would have been sold as slaves in the early part of the year 1834?—I think they would have sold at that time for the same money.

5001. What do you suppose they would have sold at three years before that?—Some years before that they would have averaged 100 *l.*; I paid more than 100 *l.* for them myself.

5002. If those negroes could have been sold separately, what do you suppose would have been the price that could have been obtained before the apprenticeship, the best among them?—I should say 200 *l.* or 300 *l.* for tradesmen, coppersmiths and plumbers. Mr. Bell, the proprietor of Woodstock, a short time before, paid 300 *l.* for a tradesman, a coppersmith.

5003. When

John Oldham, Esq.

26 July 1836.

5003. When was that?—I do not know; I suppose he has now had him in his possession about seven years, about five years before the apprenticeship began.

5004. Mr. *Buxton.*] Do you rank medical attendance among allowances, or among indulgences?—Among allowances.

5005. Do you rank salt among the allowances, or among indulgences?—Indulgences.

5006. Sir *George Grey.*] You stated that in the case of one individual 80 *l.* was paid by him; do you know whether that money was furnished by himself, or by other people?—No.

5007. Do you know whether the apprentices have been in the habit of accumulating any money?—The industrious ones have the power to accumulate considerable sums of money.

5008. Is there any mode of investing their money?—No.

5009. What do they do with the money?—They generally keep it themselves.

5010. Are there any savings banks established?—No, there are not; it would be a very desirable measure.

5011. Do you think that would be a desirable institution to introduce in Jamaica?—Very desirable.

5012. Would there be any indisposition on the part of the legislature of Jamaica to sanction the establishment of saving banks?—Not at all.

5013. Are you aware of an Act passed in the last session to sanction the establishment of savings banks?—No; but I have understood that there was.

5014. Do you think if savings banks were introduced, the negroes would be induced to invest their money in those banks?—I think they would.

5015. Mr. *Gladstone.*] Are the medical men in general pretty well qualified?—Yes.

5016. Do the same medical men attend the negroes upon the estates that attend the whites?—Yes.

5017. How are the hospitals supplied?—There is medicine sent out annually, which costs about 10 *l.* sterling for 100 negroes.

5018. Would you anticipate very unfavourable consequences from a premature dissolution of the apprenticeship?—I should.

5019. You think its continuance affords the best hope for a final satisfactory issue to the state of slavery?—I do.

5020. Were you much in the habit of confidential communication with Lord Sligo?—No, I had not that pleasure.

5021. Sir *George Grey.*] Are there many schools upon the estates under your management?—Yes; we have gone to considerable expense upon some of the estates in building school-rooms.

5022. Is there a disposition on the part of the negroes to send their children to schools?—There is now, there was not at first.

5023. Are the schools free-schools, or do the parents pay anything for the education of their children?—They do not pay anything for the education of their children.

5024. *Chairman.*] Do they attend religious worship regularly?—Very regularly.

Henry Shirley, Esq., called in; and Examined.

Henry Shirley, Esq.

5025. *Chairman.*] YOU are an extensive proprietor in Jamaica?—I am proprietor of Hyde Hall and Etingdon estates, on which are 650 negroes.

5026. When did you visit Jamaica for the first time?—In March 1834.

5027. How long did you remain there?—Nearly 14 months, that is, till April 1835.

5028. Till that time you had resided in this country, and had been educated here?—Entirely.

5029. When you were in Jamaica did you reside constantly upon your estates?—Almost entirely, with the exception of two or three months in the aggregate, during which I might have been absent upon what I called farming tours, in company with experienced persons, and six weeks that I was with the House of Assembly in Spanish Town.

5030. You were a member of the House of Assembly?—I was.

5031. When you were there, residing upon your estates, did you attend to the details, and the manner in which they were conducted, and to the habits and

Henry Shirley, Esq.

26 July 1836.

feelings of the negro population?—I may say exclusively, if I except the agricultural management also of the property.

5032. Will you have the goodness to state to the Committee what is your general impression of the manner in which the apprenticeship system is working in Jamaica?—That opinion must entirely be founded upon my own experience, which is principally confined to my own estates; but imagining that between 600 and 700 negroes upon any two given properties must be influenced by the same feelings that other negroes are influenced by, I have come to the opinion that the negro apprenticeship system, generally speaking, does work well, or may be made to do so.

5033. What do you mean by the expression, may be made to do so?—If proper arrangements are made which may be satisfactory to all the parties concerned.

5034. Do you mean that alterations in the law are desirable, or that you think that if the proprietors and managers understand their true interest, and deal fairly by the negroes under the present state of the law, everything which can be done is requisite?—I mean with regard merely to local arrangements as between master and man.

5035. You mean with regard to the times of labour and extra allowances?—With regard to the legal time, and with regard to extra allowances, and with regard to wages.

5036. What regulations were made with regard to wages upon your estates?—The wages that I agreed to give them, on an understanding that they should give me a ten-hours day instead of a nine-hours day, were 2*s.* 6*d.* currency to each able person. When I say a ten-hour day, I mean a day as was usually practised or worked during the old system, that is from day-break to dark. I agreed to give them 2*s.* 6*d.* currency for such a day's work, or 1*s.* 6*d.* sterling. My arrangements were made with my own negroes, entirely independent of any other arrangements upon other properties.

5037. What was the sum which the negroes upon your property, who were willing to work for wages, could earn during a week by working for wages in their own time?—Out of crop they earn 2*s.* 6*d.* a day; but if the Committee will give me leave, I will explain myself upon the matter of time, which I consider was the basis of all my other arrangements. When I found that the law involved a quantity of time equal to 45 hours per week, four hours and a half of which, if demanded of the negro one week, might be repaid to him another, I thought such a debit and credit account of time might involve some difficulty, that the negro would find it difficult to understand how time should be taken from him at one period, and repaid to him at another, and therefore I made it a clear account of 40 ½ hours of time which the negro owed to me. I told them collectively, that that four hours and a half of time should never be a matter of discussion between us. Then with reference to the other 40 ½ hours, that I thought it more for their convenience as well as for my own, that I should take it from them in four days in each week throughout the year. At one period of the year the day might be longer, and at another period less so; but that throughout the year we should stand equal on both sides, that that would enable them to turn out at the usual hour in the morning, and to remain as long as usual in the evening, and then it would give them the other day to themselves, Friday, which I thought it would be more for their advantage that they should have, in order that they might do what they pleased with it, either work in their own grounds, or hire themselves to me. They were exceedingly pleased with that arrangement, and having acceded to that, I then told them what arrangement I thought it proper to make with regard to the extra allowances. I told them that it would be quite impossible for me and useless for them to enter into any arrangements which were not calculated to be of a lasting character; that the negroes and the proprietor must hold together; that their subsistence, their clothing, and everything derived from me was derived from the soil; that unless that soil was maintained in its usual degree of fertility, we neither of us could expect to derive the same benefit that we had heretofore derived, and that therefore it was quite necessary, while I was entering into arrangements with them, that I should study economy in those arrangements at the same time that I endeavoured to study what might be agreeable and useful to themselves. They immediately acceded to that principle, and, in fact, I here take the opportunity of saying that I always found them ready to accede to whatever was moderate and reasonable.

able. I told them, with the view of being able to reward them properly for their labour, it must be in my power to do so; that unless I had the money I could not hope to be able to do so; that if they had adequate wages, such as the estate could afford to pay them, they would have it in their power to supply themselves with what as a matter of account I felt it necessary to deduct from their usual allowances, comprehending in that term the legal allowances and the extra allowances.

5038–39. What is the distinction you make between legal allowances and extra allowances?—Those are legal allowances which are fixed by the vestry in each parish every year, according to an Act of Assembly, which at a former period has rendered it necessary. The extra allowances are comprised under the term of fish, and an occasional supply of food, such as rice and corn, sugar and rum, and certain articles of clothing, also scissors and thimbles, and a few trifling articles of that sort.

5040. Did you find that the negroes drew a wide distinction between the tenure upon which they held what you call the legal allowances and the extra allowances?—I did not find that; in fact it would not have entered into my idea to propose to them to relinquish their fish, unless I had understood from one of my overseers that he did not think the people cared much about their fish if they could get adequate remuneration for their labour.

5041. Do you conceive that the negroes have been in the habit of considering that they were not entitled to the extra allowances, in the same way that they were entitled to the legal allowances?—That was my impression.

5042. Did it appear to you that they considered that any hardship was done to them by withdrawing those allowances?—Not at all, because I convinced them that they would have an equivalent.

5043. Sir *George Grey*.] Did you regulate the wages that you offered them upon the hypothesis that they were not to have those allowances, and, therefore, that the wages were to include the value of the allowances, so as to enable them to purchase them?—Precisely so, and I think I can prove that such was the case. I then told them what I would give them for a full day's labour, which was the highest price at that time of jobbing labour in the parish of Trelawney, in which my estates were situated. I divided them upon the subject; it was only to able people that I promised 2 *s.* 6 *d.*; to what we called the second gang I promised 1 *s.* 3 *d.*, so that in fact there was a gradation of price; and young children, who at the age of six are brought into some little sort of occupation, were to receive 5 *d.*

5044. Mr. *Gladstone*.] You had three classes?—There are three gangs upon every estate, besides grass-cutters. I endeavoured to make myself perfectly understood by them, and in fact the head people rather acted as my interpreters. I told them it was necessary, in order to make it binding upon the estate's people, that the majority of them should decide; and this I did upon both estates, Hyde Hall and Etingdon. I told them that the law rendered the presence of a magistrate necessary, but that I felt convinced that the presence of no magistrate would render binding arrangements which were not satisfactory to both parties, and that therefore if they would place their dependence upon me as I placed mine upon what they told me, I should be perfectly satisfied. They almost all assented, in fact I think there were not above three who remained upon the negative side, and from that moment the arrangements were binding and have subsisted up to the present time.

5045. Sir *George Grey*.] Were they made for any limited period?—They were not made for any limited period.

5046. Was it in the power of either party to have concluded that arrangement, and to have entered into a new one at any period?—I fancy it would have been so.

5047. Mr. *Gladstone*.] You say the arrangement gave general satisfaction to the negroes?—I have every reason to believe that to be the case.

5048. Did you find the work done cheerfully?—They not only worked cheerfully for wages, but, as the overseers assured me, did their work in the legal time much more cheerfully than other negroes. In fact the people were in good spirits, and they worked well, both for myself and for themselves.

5049. Sir *George Grey*.] Do you know what amount of wages you paid to the 650 negroes upon the two estates, between the 1st of August 1834 and the 1st of August 1835?—It would be more convenient to state it as I find it in my own

Henry Shirley, Esq.

26 July 1836.

accounts, running on during the space of one year, from the 30th of September 1834 to the same date 1835. Between those dates the amount was 2,769 *l.* currency; now that is a very great outlay for labour. My object for entering so soon as I did into the spirit of the new Act was, not to allow my estate to get out of cultivation; for in that country, where the land is excessively fertile, a few days' rain or three weeks in point of time will raise such weeds as will very materially injure the plants and canes generally, if not sufficient to destroy any moderate hopes of a good produce; and therefore I did not, even for a day, allow my people to go upon the new system of four-and-a-half days, but they worked as under the old system, from morning till night, under this new arrangement. Now 2,769 *l.* currency is a very great sum to pay in wages, and could only be met by the arrangements I made, from which I hoped to derive the power of paying them their wages, and from other sources which I will mention to the Committee. In the first place, I considered that the interest of the compensation money was a sum that was most undoubtedly to be paid back to the soil.

5050. Have you any objection to state the amount of it?—Not the slightest; it was 13,000 *l.*, and the interest I reckoned at the rate of five per cent., the interest which my own correspondent would allow me upon it.

5051. You calculated that you were to receive five per cent. sterling upon the compensation money?—Being in the situation of a mortgagor, I paid that sum to my mortgagee. I therefore struck out interest from my debt equal to that amount. That was my first item. My second item was a saving on account of supplies. And in order to make calculations with a view to being perhaps called upon by the Committee, I have ascertained from my correspondents the average amount of those supplies for ten years, ending in 1836. From that average, which was 2,082*l.*, I deducted the amount of my last year's supplies, the amount of which was of course very much diminished by my having withdrawn the extra allowances. This diminution amounted to a little under 800*l.*

5052. There was 800*l.* difference between the average of supply in the preceding years and the actual amount of the supplies during the year of which you are speaking?—Yes; therefore that sum was fairly to be added to the 650*l.*, the interest of the 13,000*l.*

5053. Mr. *Gladstone.*] That was 800*l.* sterling?—All sterling. Then there were other deductions from the contingency account, on account of fish or herrings supplied in the island, of medical attendance on free children, and upon rum and sugar, the allowances of which have been nearly discontinued to the negroes.

5054. Sir *George Grey.*] Do you mean that they have been nearly discontinued upon your two estates?—Yes.

5055. Mr. *Gladstone.*] Have you any estimate of the amount of deduction to be made upon the score of those items?—I have deducted them at 200*l.* sterling. I balanced my accounts by between 100*l.* and 200*l.* in my favour at the end of the year.

5056. Sir *George Grey.*] You mean that the amount paid in wages was less by 100*l.* or 200*l.* than the amount you have saved from the items of which you have spoken?—Yes, because that sum of 200*l.* sterling, as above, must be turned into currency, and you must allow 15 per cent. premium, which is a short premium on bills, and then it will be found that on contrast with the amount on the other side it leaves me in possession of a credit.

5057. Can you state what 1,650*l.* will be in currency?—The saving on the supplies, &c. &c., and the interest on the compensation would be about 2,655*l.* currency bills, being at 15 per cent. premium. Then I must also mention that there are 60 people upon an estate called Retirement, which I have hired during the term of the apprenticeship, the supplies, &c. &c. for whom must in a calculation of this sort be subtracted from the amount of the cost of supplies from England during the last year.

5058. Do you include the wages paid to those 60 in the gross amount of wages you have stated?—No; those wages have entirely reference to my own people.

5059. Mr. *Gladstone.*] In the deduction of 800*l.* for supplies, do you include the value of the supplies furnished to those 60 people?—I did not in the first instance, but I deducted it again afterwards from the total cost; therefore that altogether makes a saving of 2,910*l.* credits of arrangement under the new system; debits of the same, on account of trades-people and negroes hired throughout the year, 2,769*l.*; leaving 141*l.* currency balance in my favour.

5060. Sir

5060. Sir *George Grey*.] You stated that about 1,000*l*. was the saving effected by your withholding the ordinary supplies to the negroes, and the contingencies which had been received by the negroes while they were slaves?—Which had been received in kind.

5061. And the amount of wages paid to the negroes who had before received those articles in kind would be 2,700*l*. currency?—Yes.

5062. What would that amount to in sterling?—About 1,677*l*.

5063. What was the value in sterling money which the negroes actually received for their labour, after deducting the 1,000*l*. for the value of the articles which they received in kind?—About 780*l*.

5064. Mr. *Gladstone*.] Did you incur any additional charge during that period on the score of jobbing gangs, above what you would have done if slavery had continued?—No.

5065. Sir *George Grey*.] But you did incur an additional charge for 60 hired negroes beyond what you paid in wages?—I did.

5066. For what period were those hired?—For the whole term of the apprenticeship.

5067. Was that upon the same property on which the 650 negroes were working?—It joins Etingdon, but I have located the people on the Hyde Hall estate, on which they are to work.

5068. Did you hire those 60 in order to supply a deficiency of labour occasioned by the change from slavery to apprenticeship?—No.

5069. Mr. *Gladstone*.] Do not you charge yourself, in making up the account, with the expense of hiring those 60?—No; because I only want to make the comparison in reference to the estates' negroes of the amount of charges under the new system and the amount of charges under the old.

5070. Have you procured the labour of 60 negroes upon the estate of Retirement, and made their labour available upon your own two large estates?—I have; but it is principally for the purpose of bringing fresh land into cultivation, and for the improvement of the estates. I beg leave to state that I saw clearly that the price of wages could bear no reference either to the price of provisions or to the supply of labour, and felt that all I could do with reference to wages was to pay amongst the negroes what I could afford to do by my compensation and by my savings, feeling that the price of their labour could not be assimilated to the prices of labour in other countries, and could not bear reference to the price of provisions, the supply of labour on every estate being confined to its own apprentices.

5071. Sir *George Grey*.] Have your negroes provision-grounds?—Yes.

5072. And the arrangement you have described has given general satisfaction?—Very great.

5073. What was the amount of work performed by those 650 negroes, compared with the amount they had performed when they were slaves?—Precisely the same, taking their hired and their legal time together.

5074. Could you if you had required it under that system, without interfering with the satisfaction experienced by the negroes, have obtained a larger amount of labour from them by giving increased wages?—I have no doubt it could have been done by a system of piece-work, or working by the grate, as it is called in this country.

5075. But your object was attained by getting the same amount of work done?—It was. I rather wanted to avoid that system, thinking it would be more open to misapprehension.

5076. What was the produce of your estate the year after the apprenticeship began, as compared with what it had been the two or three preceding years?—I cannot give so precise an answer to that question as I desire, because the hogsheads have been made larger than usual by my own particular desire; but the amount of the produce upon both estates last year was about 630 of the usual-sized hogsheads.

5077. How many hundred weight?—Fifteen hundred weight net.

5078. Do you consider that a fair average produce?—By no means, but, compared to the preceding year, it was rather fair. Three years ago these very same properties made 880 hogsheads.

5079. Then you consider it below the fair average?—Yes.

5080. To what do you attribute the diminution, if the same amount of work was performed by the negroes as formerly?—Upon my own estates, till I was there

there myself, the attornies had discontinued jobbing as much as formerly, and I attributed it entirely to our shortness of hands.

5081. Then at the time that the estate produced a larger quantity of sugar, a larger number of hands were employed by the employment of jobbers?—I imagine that that must have been the case, more or less, of late years; but I have known a variation of from 150 to 200 hogsheads between one year and another, consequent on a variation of the seasons, therefore it is no absolute criterion.

5082. Do you think that the produce of 1835 upon those estates was a fair average produce, as compared with the produce of those estates when they had been worked only by 650 negroes in any previous year?—I think it was.

5083. Mr. *Gladstone.*] You think that if the slave system had continued during the year 1835 you would not have raised more?—I think too much stress has been laid upon the crop of 1835, because it is perfectly well known to every planter that the plants, on which the amount of produce principally depends on planting estates, were all put in under the existence of the old system; and, therefore, it is this crop which is actually in process of making which must determine more particularly the influence of the new system upon the production.

5084. Do you think there would have been more sugar in the year 1835 than there has been if the old system of slavery had been continued?—No I do not. I understand the question in reference to my own estates.

5085. Sir *George Grey.*] Can you state in what way the negroes have worked as to the preparation of the ensuing crop?—They have made all the usual preparations, because all the usual time of my negroes is either required by law or hired of them.

5086. Have you any reason to apprehend that the crop of 1836 will be a deficient crop, looking at the number of negroes employed upon it?—So far from that, I believe on my own estates it will exceed that of last year.

5087. Mr. *Buxton.*] And you think the ensuing crop is the criterion by which to estimate the success or failure of the system of apprenticeship?—This year the crops in Trelawney will fall off very considerably, and I have no doubt that the failure of these crops is entirely owing to the bad state in which the canefield has generally been left between the crops, the managers making it, generally speaking, their object to hire only during the crop; at least such was the custom when I left the island. The continuance of our crops, or the prevention of their being diminished, depends, in my opinion, entirely upon this, whether the negroes are hired out of crop to keep the field in good cultivation and clean.

5088. Sir *George Grey.*] Do you attribute the expected diminution of the crop in Trelawney in 1836 to the deficiency of labour employed in the preparation of the ground?—Not in the absolute preparation of the ground, but in cleaning the canes.

5089. To what do you attribute that deficiency of labour?—To the deficiency of legal time.

5090. Do you think that hired labour might have been obtained by the proprietors, if they had offered wages to the negroes, to induce them to give that labour which was required beyond the legal time?—I do think so in most instances. With regard to myself, I felt it necessary, in the spirit of the Abolition Act and in reference to the economical management of my own estate, that the negro should feel a greater dependence upon his own exertions than he had been accustomed to feel before, and that, therefore, if any allowances were taken from him he should seek by his industry to supply himself with them. Many persons in Jamaica were inclined to look with an unfavourable eye upon such arrangements as I entered into with my negroes, imagining that they would part with their fish with reluctance, and indeed that it might be productive of disturbances; but I held my course, continuing to do so. A gentleman, Mr. Samuel Barrett, formerly member for Richmond, in Yorkshire, determined upon placing two estates under his own management precisely upon the same arrangements that I had carried into execution.

5091. Was that in consequence of the experiment which you have made?—It was, and it continued for some time.

5092. Did your agreement for wages, in point of fact, include the whole year, as well as the period of the crop?—The whole year.

5093. *Chairman.*] Are the Committee to understand that the difference between your system of management, and that which was generally followed, consisted

consisted merely in this, that you withdrew the extra allowances, and offered increased wages for the whole year, whereas the general system was, to give those extra allowances, but to offer smaller wages, and wages in a more irregular manner?—Precisely so; and therefore many people thought it objectionable at a time when it was the idea that everything ought to be sacrificed to maintain the peace and tranquillity of the country at the period of emancipation. The next reason was, that they thought the utmost limits of the means of the proprietor would enable him only to hire labour to take off his crop.

5094. Do you conceive that the negroes would have considered themselves ill-used, if their extra allowances had been stopped, and that stoppage had not been made up to them by the offer of higher wages than are usually given?—I think so, and if they had continued to conduct themselves well, with reason.

5095. Sir *George Grey*.] You think that the negroes would have been dissatisfied if you had withheld the extra allowances, and given 1*s*. 8*d*. a day as the highest rate of wages, and given that only during crop?—I think so.

5096. Mr. *Gladstone*.] Do you think in general the interest of the compensation money will enable the planters to pay wages enough to procure the same quantity of sugar to be raised as was raised under the slave system?—I do not think so, for this reason: if the proprietor looks upon the interest of the compensation money only as the amount which he can afford to pay in wages, he must point out to the negro that in aid of the wages that that sum will allow him (the proprietor) to give, he should consider the extra allowances which are still continued to him. With that view my first attempt to get the negroes to work for hire was to offer them 1*s*. sterling, or 1*s*. 8*d*. currency, a day for their labour, and not to do away with the extra allowances. When they, on the first Friday of their working for hire, came in the evening, after their day's work, to be paid by the overseer, there was a general dissatisfaction amongst them, when 1*s*. 8*d*. only was offered to them. They refused to receive it, and in exchange for their labour that day, another day was given to them, and then the new mode of treating them was devised, which was the first arrangement to which I have alluded to-day.

5097. Mr. *Buxton*.] Are the Committee to understand you to say that, as far your knowledge extends, other proprietors do generally allow the extra allowances?—Very generally; indeed I know of no instance, but the instance of Mr. Barrett, in which those were discontinued, and he gave an equivalent.

5098. *Chairman*.] Mr. Barrett followed your system of giving higher wages?—For some months, and when he ceased to do so he supplied his negroes with the usual quantity of fish.

5099. Mr. *Buxton*.] Did you become very unpopular in the colony, owing to the system that you adopted, as being thought too favourable to the negroes?—I have reason to think that I did so, and when in the House of Assembly I expressed myself to this effect, that I had confidence in the negro, and that in my mode of acting with them I had been governed by the idea that the negroes were subject to the same influences to which others are subject, I was taunted with my short residence in the island. I was assured that I should find myself mistaken, when I required the help of my negroes to take off the crop, although, at that time, *i. e.*, in November 1834, I had experienced from the 1st of August in the same year nothing but good-will and cheerfulness on the part of the negroes to work for hire.

5100. Sir *George Grey*.] Does that system continue now upon your estates?—It does.

5101. And you are persuaded that it is the most beneficial system, looking at the interest both of yourself and of the apprentices, that can be adopted?—I am, and perhaps the Committee will think that the account of debits and credits which I have presented will bear me out in that opinion.

5102. Mr. *Buxton*.] Do you believe that other proprietors, upon the whole, generally treated their negroes with the same degree of indulgence that you did?—I should say more. I do not conceive that I treated my negroes with indulgence.

5103. Then you think the great benefit you conferred upon them was in bringing them nearer a state of free labour, and one in which they would receive a certain amount of wages for their labour?—Most decidedly.

5104. An approximation then to real freedom is the benefit which you conferred upon them?—Most decidedly.

Henry Shirley, Esq.

26 July 1836.

5105. Sir *George Grey*.] When you state that you did not treat them with indulgence, you mean that you did not sacrifice your interest as a proprietor for the sake of indulging the negroes; but you do not mean to imply that you treated them in a way which excited any dissatisfaction in their minds?—Precisely. With reference to my answer to the last question as to the state of freedom, I should say that I consider this probationary state a matter of the first necessity.

5106. *Chairman*.] Do you believe the public mind in Jamaica, both of the negroes and of the proprietors and managers, is now in a settled state with reference to the system of apprenticeship, and that they now understand that system, and are gradually preparing for the state of perfect freedom which is to follow it?—I think that is the case generally; but the real mode, in my opinion, of meeting the final day of emancipation, with a view to enable the negro to derive all the proper advantages from it, is to make him feel the degree of dependence in which he will then be upon his own exertions, and that therefore the more the negroes are hired, the better that desirable end will be effected.

5107. While you were in the House of Assembly did you not introduce a Bill to permit the marriages of the negroes by dissenting clergymen?—I did.

5108. What was the nature of that Bill?—The intention of the Bill was to enable the dissenting clergy to celebrate marriages amongst their separate communities, and to encourage them in doing so, by rendering those marriages legal.

5109. What was the fate of that Bill?—It was thrown out on the first reading.

5110. What was the objection to that Bill?—It was considered to be one which would give the missionaries too much power over the negroes, and that it would be detrimental to the interests of the Church.

5111. Was there a division upon it?—There was.

5112. What were the numbers?—Seventeen to nine.

5113. Do you conceive the present state of the law to be an obstacle to marriage?—I do, in so far as there is no direct incentive to the dissenting clergy for encouraging marriages amongst the negroes, as they would do from their pulpits were such marriages to be legal.

5114. Sir *George Grey*.] Do you mean that the dissenting clergy do not now inculcate the necessity of marriage to the same degree as they would if they were authorized by law to celebrate it?—I have no direct knowledge. I can say only what I have heard, *i. e.* that such is the case.

5115. What were the grounds which induced you to introduce this Bill; was it the result of any observation of your own as to the defective state of the law in practice?—It was from the closest observation I could exercise upon the subject.

5116. What was the result of that observation?—That those among my own negroes who were married, and who had families, were decidedly the best conducted and most respectable people upon the property.

5117. What reasons had you to suppose that the existing state of the law tended to limit the number of marriages?—Because the marriages celebrated by the clergy of the Church of England only being valid in reference to the offspring, and the distances at which the greater part of the population were generally placed from those churches at which their marriages might be celebrated, and besides the greater part of the population of Jamaica not frequenting places of worship of the Church of England, I conceived that they were not in the way of hearing as much as was desirable to produce the impression of the advantages of marriage over the state of concubinage, in which the greater part of them undoubtedly exist.

5118. Mr. *Lushington*.] What was your opinion generally of the character and conduct of the dissenting ministry in Jamaica?—I have no direct means of knowing; and, in fact, I abstained particularly from taking any part in anything that might imply the expression of an opinion as to their past conduct; and with that view I objected to a proposal that was made to me by Mr. Knibb, to lay the foundation stone of a Baptist chapel at Falmouth, observing to him that my reason for doing it was, that as, when in the House of Assembly, my name had been mixed up in some measure with those of the Baptist missionaries, and what were supposed to be their intentions, I would abstain from taking any part which would imply the expression of an opinion as to their past conduct, of which I was ignorant.

5119. Cannot you state, from information, some general impression of the character and conduct of the dissenting ministers?—I can feel no doubt that they must have been very beneficial to the negro population at large.

5120. Do you consider them to have been generally upright and conscientious in their ministrations?—I had no knowledge of them individually, I only judge by the effects produced upon the negro population.

5121. With that impression, generally favourable as regards the intentions of the dissenting clergy, is it likely that in their exhortations to their flocks with reference to marriage they would be induced to endeavour to increase the number of marriages for the purpose of their own personal gain?—I do not imagine that to be the case with any conscientious man, nor do I wish to suppose a man otherwise than conscientious when I do not know that he is so.

5122. Sir *George Grey*.] Looking at the altered state of feeling which exists now as compared with the period of the abolition of slavery, do you think the Assembly of Jamaica would be more likely to pass a Bill of the nature to which you have adverted, particularly if that Bill came recommended to them from the Government of this country?—I think such a recommendation would have the greatest and the best effect upon the Jamaica Assembly, for this reason, that one of the objections made to me upon my introducing the Bill was, that I must "needs go beforehand with the British Government in the introduction of such a measure." I was considered a great innovator on account of being in advance of the state of feeling in England.

5123. Then assuming that such a recommendation has since been sent, do you despair of seeing a Bill which would remedy the existing defects passed by the Jamaica Assembly?—I do not, but I think it will require all the perseverance and all the influence which the British Government can by law make use of in effecting that object.

5124. *Chairman*.] Looking at the influence which the dissenting clergy have with the negro population, you think that such a law would be practically a great incentive to marriage?—I do, most undoubtedly; and I think moreover that it would have a great influence in inducing the dissenting clergy to discuss before their congregations the utility and expediency of marriage generally. In this country, where it is universally practised as the rule of society, ministers may discourse upon the duties of the marriage state; but in the colonies that has not been so much matter of necessity, the expediency of marriage itself being the first point to be discussed.

5125. Mr. *Lushington*.] Do not you think that a recognition of the right of dissenting ministers to marry, and consequently making the offspring of such marriages legal, is an act of justice which the negroes have a right to expect?—Most undoubtedly.

5126. Viewing especially the very large predominance of dissenters which exists in Jamaica?—Most undoubtedly.

5127. Mr. *Gladstone*.] Have you any idea of the proportionate numbers of persons professing to belong to the communion of the Church of England and to dissenting communions in Jamaica?—I have not sufficient information to give any correct data to the Committee, but the Baptists I have often heard exceed in number 100,000.

5128. Is it your impression that a majority of the whole population belong to dissenting communions?—Most assuredly.

5129. *Chairman*.] Have you heard that there are parts of Jamaica where the negroes will not work for hire?—Those parts now I believe form a great exception to the whole.

5130. To what should you attribute such a circumstance, if it exists? I should attribute it now to the existence of very fertile provision-grounds, and to that of a good market.

5131. Have you schools upon your estate?—Yes; I believe now that the system of schooling is much more pursued than it was when I was in the country.

5132. Is it left completely to the management of the proprietors, or is there any public system?—It is left completely to the management of the proprietors and their agents, the public system existing only in towns.

5133. Do you conceive that the proprietors and their agents are generally exerting themselves to diffuse education throughout the negro population?—I imagine

Henry Shirley, Esq. 26 July 1836.

I imagine that that is rather the case, although I cannot say at present that I have any direct means of knowing it.

5134. Sir *George Grey*.] Do you think there is any general apprehension of the effect of education upon the minds of the negroes?—No, I have no idea that such an apprehension exists.

5135. *Chairman*.] Do you think that you possessed an influence as a proprietor going out from this country and residing upon your own property, that the attorney or manager would not have had with your negroes?—I think a proprietor for some time after his arrival does possess that sort of influence; but, like all other influences, if it does not rest upon a solid and good basis, it will soon evaporate.

5136. With reference to the arrangement between you and the negroes, do you think they placed more confidence in you, and were therefore more willing to come into that arrangement than they would have been if the arrangements had been proposed to them in your absence by your attorney?—I think so, without any disparagement to the attorney or overseer.

5137. Did you make any change in the system of management upon your own estates before the 1st of August 1834?—Not the slightest; not even putting down the whip in the field, which, however, I had frequent opportunities of ascertaining was not used; but I desired that it might not be put down, in order that the negro might not consider that anything had been conceded to him in consequence of my coming out.

5138. Did you desire that it might not be used by private directions to persons in your employment, or was it a public direction?—I requested the overseer to hint to the driver not to use his whip.

5139. Then, in point of practice, was the whip disused for a short time previously to the 1st of August 1834 to a greater extent than previously?—Not upon my own properties. I am inclined to consider the whip as an instrument of coercion held over the negro, and considered more *in terrorem*, than as an instrument that was positively in the habit of being used.

5140. Mr. *Buxton*.] Have you ever seen the returns of the number of punishments that took place in Jamaica prior to the abolition of slavery?—I have not.

5141. Do you believe that in Jamaica the whip, prior to the abolition of slavery, was not in frequent use?—I heard that on some properties it had been relinquished in the field.

5142. But do you believe, generally speaking, that it had been relinquished, or was continued in use?—I believe that it was generally carried to the field, but I never set myself to inquire that fact, not considering it of much importance; the real matter of importance was, to know whether it was much used. Now, as far as regards my own properties, I know that it was not.

5143. Do you mean to infer, that because it was not used on your own property, it was not generally used in Jamaica?—I conceive that it is but fair to suppose that the negroes would be treated in other places as they would be treated upon my own property.

5144. Do you really, in your own mind, believe that to be the fact?—I do.

5145. Sir *George Grey*.] Had you any personal means of observation, for any length of time, before the introduction of the apprenticeship system?—I was upon my own property five months before the 1st of August 1834.

5146. Mr. *Buxton*.] How many hours in a day, during crop time, is it necessary for the negroes to work, in order to take off the crop in a proper manner?—My own negroes do now, in 16 hours, take off the same crops that were formerly taken off only in the 24 hours.

5147. Do they work now at the rate of 16 hours a day in crop time?—They do.

5148. How many hours used they to work?—Twenty-four.

5149. Mr. *Gladstone*.] Do you mean that the same individuals worked 24 hours at a time?—On large estates in Trelawny, an estate's people, which would be divided into three spells, each spell would take 24 hours a time, and then come on in rotation, attending all the time to the necessary agricultural part of the business.

5150. Mr. *Buxton*.] You have stated that they worked 24 hours in succession, and that they at other times performed the usual agricultural labour; how many hours altogether, during the week, do you suppose them to have worked?—Each spell would come twice in the six days, which would make 48 hours.

5151. And

5151. And in the other four days how many hours would they be employed?—Ten or 11 hours a day, according to the length of the day at particular periods of the year.

5152. Do you believe that those persons, receiving at the time no wages, could have been induced to work 88 hours in a week without either severity exercised or severity dreaded?—I do not; it must have been only by compulsory means, or by the understanding that such means existed.

5153. Then the whip, if it was not actually in use, was present and ready for use?—No doubt of it.

5154. Do you use the plough upon your estates?—I do, it was introduced by myself; as yet it is only partially used.

5155. Does it answer the purpose?—Very much so.

5156. Is it likely to be used more generally by other proprietors?—Their using the plough depends very much upon the nature of their own cane-field. If the land is flat and favourable for the use of the plough, I have no doubt it will be brought into general use.

5157. Sir *George Grey*.] What is your opinion of the comparative state of the negroes now during apprenticeship with what it was during slavery?—It is much superior.

5158. Do you think they are sensible of that improvement?—I do indeed, very much so.

5159. That they appreciate the apprenticeship as compared with slavery, and consider that a boon has been conferred upon them?—I should say most decidedly; and I myself took the greatest possible trouble with my own negroes to make them feel the handsome manner in which the people of England were behaving to them; that they were putting their hands into their pockets, in a manner, in order to give them greater advantages than they before enjoyed.

5160. *Chairman*.] Do you believe that there is a reasonable ground for hoping that at the expiration of the period of the apprenticeship the negroes will act in such a manner as to enable the state of society, and the cultivation of the estates to be carried on satisfactorily?—That question, with regard to Jamaica, I must confess is one, the consideration of which often perplexes me. I sometimes think that the negroes, finding themselves in the enjoyment of freedom, will be happy to work for what must be a much smaller remuneration for their labour than that now given them. At other times I think that my own negroes will be happy to go on in the same condition, and under the same arrangements which subsist between us at the present day. But all depends entirely upon the civilization which their minds undergo during the intermediate space of time. By the word civilization I mean the greater degree of knowledge they possess as to their own resources, and as to the means of profiting by them. The present state in Jamaica of the apprentice may be compared almost to the feudal state, as it existed even to a late period in some countries in Europe, where in exchange for certain advantages furnished to an individual by his lord, he is obliged to perform certain services. In Jamaica the negro, in some respects, possesses advantages over those populations in not having to perform services for his lord, such as the conveyance of himself, his family, or his baggage to any distant part of the country; that the negro has not to perform; but he is obliged, by fear of punishment, to fulfil his obligations under the law to his master. I think myself the negro will work for wages at the end of the period without having recourse to the fastnesses in the interior of the island, which it is supposed by many will serve as a place of refuge.

5161. Mr. *Gladstone*.] When you spoke of civilization, did you include in the signification of the term as a principal element the religious instruction of the negroes?—Everything that tends to open the mind of man as to the knowledge of himself and his wants.

5162. *Chairman*.] Do you consider that it would be either safe or expedient to limit the freedom of the negro after the period of apprenticeship has expired by the enactment of any vagrant law that will place him in a different condition from the white inhabitants?—I conceive that only the defensive regulations which society have a right to make would be proper.

5163. Mr. *Gladstone*.] But you do not conceive that any regulations need be established, making any distinction between the white population and the negroes?—No.

5164. Mr. *Buxton*.] You think the same kind of provision should be made for

Henry Shirley, Esq.
26 July 1836.

securing the peace and good order of society in the West Indies, as those which exist in England?—Yes.

5165. You do not wish to go further?—No.

5166. Mr. *Gladstone.*] Are you sufficiently acquainted with the nature of the vagrant laws in England to be able to pledge yourself to the provisions of the vagrant law?—I do not possess an intimate knowledge of the vagrant law in England, but I suppose a vagrant law is one which society passes for the purpose of defending itself against the irregularities and ill conduct of vagrants.

5167. Sir *Stratford Canning.*] Do the better educated negroes appear to have much advantage over those that are not so?—Very much so.

5168. Is that influence likely to operate when the next change takes place in their condition?—I have no doubt it will, not only in their more direct influence with other negroes, but by the influence of example.

Mercurii, 27° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Charles Lushington.
Mr. Thornely.	Mr. William Gladstone.
Mr. Fowell Buxton.	Sir George Grey.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq., called in; and further Examined.

Wm. Burge, Esq.
27 July 1836.

5169. *Chairman.*] Is there anything you are desirous of stating to the Committee upon the subject of registry?—In consequence of the desire expressed by the Committee the other day, that I would furnish them with the state of the laws in Jamaica relative to the registration of slaves, I have looked into the Acts passed by the Jamaica legislature on this subject. It seemed to be assumed by the witness under examination the other day, that the only measure adopted by the Jamaica legislature was the Act for the Registration of Slaves. That Act was, however, only a part of the legislation which took place in Jamaica in 1816, in relation to the objects for which the registration of slaves was desired by the Government. The Registration Act was passed in 1816, and it required a return to be made in 1817, of all the slaves in the possession of any person, in whatever character or by whatever right he held the possession of them. It was to state their ages, sexes, whether African or Creole, and those who were the issue of any of the females in the return were particularized as being such issue, and the names of the mothers were mentioned. The Act requires that there should be a further return every third year. This triennial return must account for any difference between the numbers in that and in the preceding return. If there be any increase or decrease, the cause of the increase or decrease must be specifically stated. If it be by birth, the name of the mother must be stated, by reference to the former return; if by purchase, devise or descent, all the particulars of this acquisition are stated, so as to render it impossible, that if the cause of increase assigned be untrue, its falsehood should escape detection. The same particularity in the returns is required if there has been a decrease. There is no particular officer appointed by the Act to compare the one return with the other. They are made first to the clerks of the vestries, where they are registered; they are then sent to the secretary of the island, and by him entered in his office; certified copies are delivered by him to the governor of the island, by whom they are transmitted home to the Secretary of State for the Colonies, who causes them to be delivered to the registrar, for the purpose of being registered in the office here. But this Act was only one of the measures adopted by the Jamaica legislature in 1816 upon the recommendation of the British Government. The great object of the Government, as communicated to the Jamaica legislature by the Governor's Message in that year, was to guard against the possible infraction of the Slave Trade Abolition Acts, for which it was considered that the peace with the whole world afforded facilities. The particular mode in which this object should be attained, and that evil guarded against, was left to the legislature; nor was it required that there should be any particular officer in the colony for the purpose of inspecting and comparing the returns. Abundant means for making that comparison by the persons in the colony and here, were afforded by the Act. The Jamaica legislature considered that the most effectual mode of accomplishing the great object of the Government,

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and of preventing any infraction or evasion of the Abolition Acts, was to render it impossible for any vessel to arrive in Jamaica with a negro on board without that circumstance being known to certain public officers, whose special duty it should be to board all vessels entering any port or harbour or creek in the Island of Jamaica. No negro could be landed without a previous report of his being on board, to be made by the master of the vessel; the name of the negro, his occupation, and the place from whence he came, must be reported. The naval officer, a public officer appointed by Government, was authorized to go on board and stop any vessel, and ascertain whether any negro was on board; and if there was any negro on board, to ascertain every circumstance connected with his being there. The Committee are aware that, under the British Act for the Abolition of the Slave Trade, no negro can be on board a vessel in any character, even as a domestic attending upon his master, without his name being entered in the clearance of the vessel, with his particular occupation stated, and if there is any mistake with respect to the description of a negro in that clearance, he becomes immediately forfeited to His Majesty as an illegally imported African. The construction given to those Acts by the Courts of Admiralty in Jamaica, and on appeal to this country, has been, that any mistake in the description of the negro, and *à fortiori*, an omission to name in the clearance the particular character of the negro is fatal, and the negro becomes forfeited. The security afforded by the Slave Trade Abolition Acts was greatly increased by the Jamaica Act passed in 1816, from the very extensive powers it gave to the naval officer, and from its various provisions. The 16th clause enacts that, "it shall not be lawful for any negro arriving in any ship or vessel, from any port without the said island, in any port or place within the same, otherwise than as hereinafter is mentioned and permitted, to land without a permit in writing from the naval officer or his deputy of such port where the ship or vessel shall have arrived, (except such seafaring negroes as shall be *bonâ fide* employed as mariners on board such ship or vessel,) on pain, if free, of being liable to be apprehended," and, if a slave, of being proceeded against as having been imported contrary to the Slave Trade Abolition Act; and if it is not proved that the negro is legally imported, he is forfeited to His Majesty. The 17th clause enacts, "That after the passing of the Act, the master or commander of any ship which shall arrive in any port," then it goes on in a subsequent clause, in any bay or creek or elsewhere on the sea coast of the island, may be taken up and carried before a magistrate, who shall condemn such negroes as unlawfully imported slaves, and as forfeited to the Crown. The appeal from the magistrate's condemnation is to the Governor in Council. There are various other provisions in the Acts which are all directed to the great object of preventing any illicit importation of negroes. This Act and the Registration Act were considered as a full compliance with the recommendation which had been made upon the subject by the Government; for the governor was instructed by the Prince Regent to express himself in his speech, on opening the session in 1817, to the House of Assembly, in the following terms: "The Prince Regent has been pleased to express his entire approbation of the measures which you adopted during the last session, for preventing any evasion of the laws relating to the abolition of the Slave Trade, and for improving the comforts of the negro population." These Acts, therefore, passed in Jamaica in 1816, were considered to have effected that which had been required by the British Government, and were deemed by the British Government perfectly sufficient; and there never has been, that I am aware of, any instance in which there was an evasion of those Acts. I will mention a case which occurred in 1818; it will show there was no desire in Jamaica to evade the Slave Trade Abolition Acts. A foreign slave-ship, called the St. Antonio, was captured in the year 1818, on the coast of Brazil, by the Oriental, a South American privateer; a person named Hudson and part of the crew of the privateer were put on board the privateer; they called at St. Thomas's, and afterwards sailed along the north coast of Jamaica. Hudson landed at Rio Nova Bay, and the first person to whom he offered the negroes, on board the privateer, actually gave the information, upon which Hudson was immediately apprehended, and the vessel and 44 negroes were seized. A prosecution was immediately instituted against him, he was tried and convicted under a commission issued under the authority of the British Act 46 Geo. 3. He was convicted and sentenced to transportation for 14 years. A month had not elapsed between the time of his landing on the shores of Jamaica and of his being on his way to England in execution of his sentence. The vessel and the negroes on board were condemned to His Majesty,

Wm. Burge, Esq.

27 July 1836.

as forfeited under the Slave Trade Abolition Act. That is the only instance which has occurred. It shows that those laws had been perfectly effectual in preventing that which it was the object of the legislature to prevent, namely, the introduction of Africans into the colony.

5170. Sir *George Grey*.] Do you apprehend at the present moment any practical difficulty can arise in ascertaining what negroes were registered, and what were not, at the last registration?—None whatever.

5171. Do you conceive that where any question of law has been decided in favour of apprentices omitted in the last registry, having been in a previous registry, any difficulty can arise in ascertaining the fact, with the view of establishing their freedom?—Certainly not; for the fact of their not having been in the last registry is arrived at through the fact of their having been in the former registry.

5172. Would there be any difficulty in ascertaining their identity?—None whatever; all the negroes on the estate know each other very well, and there would be abundant evidence on the estate to ascertain identity.

5173. Are you aware of many negroes having been released since the law came into operation, in consequence of their having been omitted in the last register, having been comprised in the former ones?—I have understood a very considerable number on the property of Mr. Scarlett, the nephew of Lord Abinger; they were not correctly returned in the last registration. There was no pretence for supposing any of those negroes had been illicitly imported; they were negroes settled on the property long before the abolition of the slave trade. They had been all in the former registers, but they were not in the last registration. A very important question arose, whether, it being quite apparent that the negroes had been returned in all previous registries, an omission of them in a subsequent registration did in fact subject them to forfeiture; I presume not to say anything upon that subject.

5174. Was not the question, not whether it subjected them to forfeiture under the laws to which you have been referring, but whether, in the case of those apprentices to which reference has been made since, the terms of the first clause of the Slavery Abolition Act were complied with, which required that the negroes to be subject to apprenticeship should be duly registered as slaves in the colony, in conformity with the laws in force in the colony, on a particular day?—Yes, I used the expression forfeiture with reference to the case you have put; I meant the forfeiture of the apprenticeship term, and the services of the negroes during that term.

5175. That was the question which was raised?—Yes; and I believe it applies to the apprentices belonging to Maroons; and there might be cases of apprentices belonging to free persons of colour who had not been duly registered.

5176. Mr. *Gladstone*.] Suppose the case of an addition made by purchase to the slaves on an estate during the state of slavery; would those slaves be entered individually in the next return from that estate?—Yes, as increase. The return would state the negro John Nokes, or whatever his name might be, purchased from *A. B.* of such a parish, included in the return of such a year for that parish, so that you might trace the negro back from any person from whom he had been acquired between the one registration and the other.

5177. Would the registry office contain individual records of the entire negro population?—The entire negro population from the period the first registration took place in the year 1817.

5178. Mr. *Thornely*.] Is it not *primâ facie* a case of suspicion that the negro has been smuggled into the colony, if he is found in slavery and unregistered?—The effect would be, no matter how innocent the party might be to whom the negro belonged, if the negro were not found upon the registry of 1817 (the original registry), that the Attorney-general, under the provisions of the Registry Act, would proceed against him as having been illegally imported; the onus of proving that he was legally imported would be thrown upon the claimant, and if the claimant could not make out that he had been legally imported, by tracing his birth, or the fact of his having been imported prior to the abolition of the slave trade in 1807, the necessary consequence would be that he would be forfeited to the Crown, and treated as having been illegally imported, and he becomes subject to apprenticeship, in the same manner as any other illegally-imported African. The fact of his not being in the registry would not raise a moral presumption that he had been illegally imported into the island, but it would be the legal presumption under the Jamaica Act, for the purpose of instituting proceedings thereunder.

5179. That would be the groundwork of the inquiry?—Yes, the groundwork

of

Wm. Burge, Esq.

27 July 1836

of the information. I will call the attention of the Committee to a clause of the Jamaica Registration Act: the provisions of that and of the other Acts to which I have referred were, I have reason to believe, known and approved of by the Government here before they were made the subject of legal enactment in Jamaica. By this clause the party subjects himself to a penalty for the omission; and when judgment thereon is pronounced, "an information shall be filed, *ex officio*, by His Majesty's Attorney-general, in the next succeeding grand court, against the slave or slaves for the omission of whose return such penalty has been recovered, as and for an importation of Africans or slaves contrary to the said Abolition Laws; and the record of such judgment shall be sufficient evidence to maintain the said information. And to every such information so filed as aforesaid, it shall and may be lawful for the person or persons against whom the judgment for such penalty has been recovered, to take the defence in his or their own name or names, or in the name or names of the person or persons for whom he, she or they held possession of the slave or slaves left unreturned as aforesaid, or for such person or persons for whom possession was held, to take the defence in his, her or their own name or names, and to plead 'not guilty,' and thereunder to prove that the slave or slaves included in the said information was not or were not imported into this island contrary to the said Abolition Laws. That in case the defence to the said information shall not have been taken as aforesaid during the court for which the same is filed, the said information shall be continued over until the next grand court, in which court it shall and may be lawful for any person claiming any estate or interest in the said slave or slaves included in the said information, either in reversion or remainder, or other estate expectant, upon the determination of the estate of the person for whose interest the possession of such slave or slaves was held, or any mortgagee of the said slave or slaves, or any judgment-creditor of the person or persons, or estate, for whose interest such possession was held, to take the defence of such information, by leave of the judges of the said supreme court; and it shall be lawful for the person so taking the defence of the said information to plead 'not guilty' thereto, and thereunder to prove that the said slave or slaves included therein was or were not imported contrary to the said Abolition Laws, and was or were subject to such right, title or interest as they claim therein."

5180. Then under those provisions non-registration does not, *per se*, work a forfeiture; it is only a ground of inquiry?—It does work a forfeiture if the person cannot prove that the negro has been legally imported; the onus is cast on the person who has been guilty of omission to register, of proving that he was legally imported.

5181. Sir *George Grey*.] When you say those regulations do necessarily work a forfeiture, you refer to that which was the practice when slavery subsisted; at present non-registration by the Act is made the basis of slavery or of freedom?—Yes.

5182. The fact of non-registration now entitles a negro to his absolute freedom?—Yes, beyond all question; and the only question which has ever arisen has been the difference between no registration at all, and the case where a registration having been made in 1817, and continued down till 1830, there has been an omission to register in the subsequent year.

5183. Mr. *Thornely*.] You say it is the duty of the Attorney-general to institute proceedings?—It is his duty to file an information, *ex officio*.

5184. Is he bound to do so unless moved to do so by official instruction?—Clearly so; it is the duty of the Attorney-general. I filed an information in the case of the St. Antonio, as I did in other cases, on my own judgment, and without any directions from any person. I should obtain the evidence which would furnish a probable ground for instituting the proceeding. The Attorney-general has all the same powers which the Attorney-general here possesses, or I ought rather to say, which the Lord Advocate of Scotland possesses.

5185. In what way is it probable the information would be received by the Attorney-general?—There are the naval officers and custom-house officers.

5186. The naval officers board the vessels?—They board all the vessels.

5187. Has he any control on shore?—He has powers under the Act even on shore. There are abundant means through the intervention of naval officers, custom-house officers, magistrates and constables, of obtaining the information. It

Wm. Burge, Esq.

27 July 1836.

is quite impossible that such a thing could have taken place in Jamaica without its being known to some one, and without that person communicating the fact to the Attorney-general. This question seems to suppose that there was a desire in Jamaica to continue the slave trade; there was no such desire. The slave trade was supported by the London, Liverpool and Bristol merchants, not by the planters of Jamaica. In 1777 commenced a series of measures by the Jamaica Assembly to put an end to this atrocious traffic; they were defeated by the resistance given by the mercantile interests in England. I refer you to the decision of the Board of Trade in 1777 on their petitions against the Jamaica Acts, and the instructions given to the governors. That the continuance of that trade was not in accordance with colonial feeling is now matter of history, beyond the possibility of doubt. I refer you to the documents in the Appendix to the Evidence before the House of Lords in the Slavery Abolition Committee.

Mr. *Robert Russell*, called in; and Examined.

Mr. *Robt. Russell.*

5188. Mr. *Buxton.*] HAVE you been in Jamaica?—Yes.

5189. What situation did you hold there?—Confidential clerk in the governor's office.

5190. For what time?—Upwards of four years.

5191. From what dates?—I commenced, I think, in March 1832, and quitted the 5th of May 1836.

5192. Had you access to information officially received?—I had.

5193. Mr. *Gladstone.*] Were you four years in the situation of confidential clerk, or did you rise to that situation?—I was the head clerk in the office the whole period of four years, but it was not till the commencement of the apprenticeship system I obtained the information now sought to be elicited from me.

5194. Were you during the whole four years in a situation to become confidentially acquainted with whatever went on?—I was.

5195. Sir *George Grey.*] What do you mean by confidential clerk?—Writing all the governor's despatches.

5196. And reading those he received?—Yes.

5197. Both from himself and the Government here?—Yes.

5198. You mean copying the governor's despatches?—Yes.

5199. Mr. *Buxton.*] Did you gain any information as to the workhouse system throughout the island?—Yes.

5200. Did you learn that females were confined in chains in the workhouse?—I cannot directly state that; I have learned they were confined in chains, but I know that it was reported at the King's-house that females had been punished in the workhouse.

5201. *Chairman.*] By reported, do you mean that that circumstance was officially reported, or that you heard it in conversation?—Officially reported by special magistrates.

5202. Mr. *Buxton.*] Does that apply to one single workhouse, or the workhouses of many parishes?—Workhouses of many parishes.

5203. Mr. *Gladstone.*] What parishes?—The parish of Trelawney was reported; the parish of St. George was reported; the parish of Kingston was reported; there was a female punished there.

5204. Sir *George Grey.*] What do you mean by punished?—Flogged; the particulars of those cases have been sent to the Colonial-office.

5205. Mr. *Gladstone.*] Have you any information to communicate over and above what has been sent to the Colonial-office?—No.

5206. Mr. *Buxton.*] Do you recollect how many cases there were in which reports were made of corporal punishments inflicted on females?—No, I do not recollect the exact number.

5207. Where did those happen?—There are 21 parishes in the island, and about 18 of them have houses of correction.

5208. From what proportion of those have they been reported?—I do not think that more than one-third of that number were reported; about six or seven.

5209. Sir *George Grey.*] You mentioned three; have you the names of the other

other three?—I cannot exactly recollect now; but I can refer you to the Colonial-office, where you would have the whole particulars.

5210. Can you refer the Committee to the other parishes?—There were instances reported just before I quitted Jamaica of punishments having taken place in the parish of St. Thomas-in-the-East on females; how far the report was true I know not, but the governor directed an inquiry just as I was leaving.

5211. That was an official report from a special magistrate?—I think it was; and partly by a newspaper report.

5212. The governor directed an inquiry into it just at the time you left?—He did.

5213. Do you recollect the other three?—I cannot state particularly as to the number; those I have given I know officially as having been reported, and I think others have been reported, but I have no documents; all I state is from memory.

5214. Do you mean that the four you have referred to have been officially reported?—Yes, by the special magistrates and by other persons.

5215. Was there inquiry instituted with regard to the others, besides that you have last referred to?—Yes; Lord Sligo directed inquiry into them.

5216. When were the inquiries made?—Immediately on the receipt of the information.

5217. When was the information received?—I cannot state the time; but I know it was immediately after the abolition of slavery.

5218. You say the case in St. Thomas-in-the-East was reported just before you left?—Yes; and an inquiry was directed to be made just as I was on the point of leaving the island.

5219. Had the others been some time previous, or about the same time?—They were some time previous.

5220. Were any others of them near about the same time?—I think not.

5221. By what means was the inquiry directed?—The governor first sent to the special magistrates, and issued circulars to the custodes of the parishes, requesting them to refrain from inflicting punishment in the houses of correction.

5222. Do you know the date of that circular?—No, it was issued last year, I think. I think a copy of the circular was sent to the special magistrates also, to let them know what was done.

5223. Mr. *Buxton.*] Was the governor enabled by law to put an end to the system of the corporal punishment of females in the workhouses?—No, he was not; one reason assigned for its continuance was, that the Gaol Act, the Act for building Houses of Correction and Gaols, gave the power to the local justices to frame such rules and regulations for the government of prisons as they thought fit.

5224. *Chairman.*] By whom was the punishment directed?—By the custodes and justices of the parishes.

5225. Was it in an official communication made to the Government which came to your knowledge, that this was stated?—Yes.

5226. Sir *George Grey.*] Was that the general answer from all the custodes, or did they give a separate answer?—They sent in separate answers; some of them, I think, gave that as a reason for its continuance.

5227. They did not all concur in this view of the law?—No.

5228. *Chairman.*] Do you know who were the custodes that did not take this view?—No; we had answers from, I think, about 13 parishes in the island, and being a matter on which I did not expect to be examined, I did not remark the names of the different custodes, but I know that that was assigned as the reason by some.

5229. Do you mean to say that the custodes differed in their view of the law, and that while some proposed it should not continue, others asserted that the practice was legal, and defended it?—I do not assert that any of the custodes acknowledged that the practice was illegal, but that some promised it should be discontinued. About the same time a circular was written, requesting them to desist also from the practice of cutting the hair off the heads of females; and it was also assigned as a reason that they were authorized to continue the practice, as the law gave them power to frame such rules and regulations as they thought fit for workhouses.

5230. Sir *George Grey.*] Are you aware of an action being brought against the

Mr. *Robt. Russell.*

27 July 1836.

supervisor of a workhouse for the flogging of a woman?—No; I know of prosecutions having been instituted against some for flogging men.

5231. Do you know the name of Mr. Slowly?—Yes, I have heard of his name; he was a supervisor.

5232. Was not the complaint respecting the Trelawny workhouse one affecting him?—Yes.

5232. Was there a prosecution against him for the act complained of?—Yes, there was.

5234. What was the result of the prosecution?—I think the Bill was ignored, or that the man was acquitted at the Cornwall assizes.

5235. Was the Attorney-general the prosecutor?—Yes.

5236. Did the Attorney-general concur in the view of the law taken by the custodes?—I should think not, or he would not have prosecuted the man.

5237. Mr. *Buxton.*] You know a prosecution was instituted?—Yes.

5238. You know that the man was not convicted?—I know that he was prosecuted, but I cannot positively state that he was tried or acquitted; the particulars have been sent also to the Colonial-office.

5239. Do you know whether he was or was not punished?—I have no recollection whether the man was punished. I brought a slight memorandum which I gave to Captain Oldrey, that I wrote down just before I left. Mr. Jenkins, the supervisor of another workhouse, was, I think, convicted; there was one conviction out of three or four prosecutions.

5240. Sir *George Grey.*] Was a prosecution instituted in reference to any of these charges; and was any one convicted while you were there?—I have already said that prosecutions were instituted, and that a conviction took place; and there was also a prosecution ordered against the supervisor of the St. Elizabeth workhouse, a man of the name of Calder, for punishing an old negro man named David, but Calder died before the prosecution went out.

5241. You have considered the case of Slowly as one in which he had punished a woman, and was prosecuted for it?—No, I said he was indicted for inflicting punishment in the house of correction; I do not think it was a woman; I think, in the case of Mr. Slowly, it was for punishing males in the house of correction.

5242. With respect to the three cases of Trelawny, Hanover and St. George's, which were reported to the governor, were steps taken for the prosecution of the offenders?—The custos of St. George's was written to on the case of the woman.

5243. Written to; for what purpose?—An inquest took place on the body, and this was reported in one of the public newspapers; the governor sent a copy of the newspaper to the custos, and requested information; there was no prosecution in this case.

5244. There was an inquest on the person who died?—Yes; who died in the workhouse.

5245. Will you confine your answer to the complaint made to Lord Sligo of the conduct of the supervisor of St. George's, and whether any prosecution took place for flogging that female?—I do not think that any prosecution took place in the St. George's case.

5246. On whom was the inquest?—On a woman in the workhouse; all persons dying in workhouses and gaols there, have inquests held on their bodies; and it was in consequence of the report of that inquest that Lord Sligo was induced to write to the custos on the subject.

5247. What was the verdict on that inquest?—I do not exactly remember; I do not think it was death from flogging.

5248. Mr. *Buxton.*] Are you aware that the treadmill is used for females to work in the workhouse?—Yes.

5249. *Chairman.*] You never yourself visited a workhouse?—No.

5250. Mr. *Buxton.*] Are you aware whether the practice of punishing females in the workhouses went on without the governor's knowledge?—I should think so, for this reason; I was told by a person of his having seen weals on the backs of females in a workhouse in Jamaica, and I knew that that was not reported to the governor.

5251. Sir *George Grey.*] Did you not report that fact to the governor?—No, I did not, because I did not like the authority.

5252. Do you mean that you distrusted the authority?—No, I did not distrust

the authority; but the man was rather in a humble sphere of life, and he himself was unwilling that he should be brought forward as a witness.

5253. Did he tell you the workhouse in which he had seen that?—Yes, he did.

5254. Did you institute any formal inquiry into that yourself?—No, I did not.

5255. Mr. *Buxton.*] Are you aware whether white persons are committed to the workhouses?—I do not know; I rather think the gaol is the prison to which they send whites.

5256. Mr. *Gladstone.*] With reference to sending white persons to workhouses or gaols, have you any means of knowing whether any distinction prevails, or whether any regulations were determined upon of sending each culprit to one or the other?—Apprentices are sent to the workhouses and white persons to the gaols; I believe instances have occurred where, for the purpose of degrading whites, they have been sent to the workhouse; the police, for instance.

5257. Are you aware whether, when an apprentice is tried and convicted, it is usual to send him to the workhouse or the gaol?—I think they have been sent to both.

5258. Are you aware whether it is usual to send them to one or the other?—I think it is more usual to send them to the workhouse.

5259. Though tried before the Court of Assize?—Yes.

5260. Your opinion is, that except with a view to personal degradation, no white person is sent to the workhouse?—I believe only in the case of the police; they are usually sent to the workhouse to be worked on the treadmill.

5261. Do you suppose it is with the intention to inflict a punishment more severe upon them than would be permitted on any other white man?—I do not know that it is intended for that; but, under the Police Act, the governor is authorized to frame such rules and regulations for the government of that body as he shall think fit; and the sentence for certain offences is mulcting them of their pay, or sending them to be worked on the treadmill.

5262. You expressed an opinion that no white man was sent to the workhouse, except for the purpose of inflicting upon him peculiar degradation, will you state the ground on which that is founded?—I mentioned the police; it is considered a great degradation to be confined in a workhouse in Jamaica.

5263. Do you not conceive that was the intention on the part of the Assembly, to inflict upon the police, in case they offended, a degradation they would not inflict on any other persons?—That regulation was not made by the Assembly, but by the governor.

5264. Do you conceive it was the intention of the governor to put more degradation upon them than on other white persons?—I do not know whether he might conceive it a more safe and efficacious mode of punishment.

5265. Do not you conceive that tends to support your opinion, that no one is sent there but with a view of degrading him?—It is considered by the community of Jamaica a great degradation: I conceive, therefore, that it is for the purpose of degradation it is done.

5266. Have you known others sent there?—I do not know of any others; I will not say there are not others.

5267. Is it not usual to send free coloured persons to the workhouse?—I believe not, since the passing of the Privilege Bill; at least, I have not heard of any case.

5268. Do you think if a white man was tried before the quarter sessions and sentenced to imprisonment, he would be sent to the workhouse, supposing he were not a policeman?—I cannot offer an opinion upon that; I think it is discretionary with the judge of the court where he shall send him, according to the nature of the offence.

5269. Do you know that if an apprentice is tried at the assize court he would be sent to the workhouse?—He has been sent both to the workhouse and to the gaol.

5270. Did you ever hear it was matter of favour to the apprentice to send him to the gaol instead of the workhouse?—No, but I have no doubt he would consider it as a favour; he undergoes no punishment in the gaol except the confinement.

5271. Do all those sent to the workhouse undergo hard labour?—Some are sentenced to hard labour; and are kept at hard labour in breaking stones, and so on.

Mr. *Robt. Russell.*

27 July 1836.

5272. Are there no persons in the workhouse without hard labour?—Yes; persons sentenced to solitary confinement, and those confined as lunatics.

5273. Do you derive that information simply from documents that have passed through your hands?—Simply from documents that have passed through my hands.

5274. Mr. *Buxton.*] Have you ever seen any females working in gangs in the capital of the island?—Not lately.

5275. Do you happen to know whether any complaints were made after the commencement of the apprenticeship system, of the allowances to the negroes being withheld?—Yes.

5276. Have you from any source of information, whether from documents you have seen in the office, or your own personal information, come to the knowledge of the fact that complaints of the withdrawal of allowances were made at early periods after the abolition of slavery?—Yes; I am aware they were withdrawn.

5277. From what source do you derive that information?—Officially; the reports sent in to the governor.

5278. Sir *George Grey.*] By whom?—By special magistrates.

5279. At what date?—Immediately after the commencement of the apprenticeship system.

5280. Were those official reports transmitted to England?—They were.

5281. Have you looked at this volume of Parliamentary Papers laid upon the table of the House of Commons?—I have seen it in Jamaica; but I have not read it throughout.

5282. Have you been able to look at the special magistrates' reports in this book with sufficient care to state whether those reports contain the information to which you now refer?—No.

5283. *Chairman.*] You have stated that complaints were made of the withdrawal of allowances at the beginning of the system of apprenticeship; did those complaints continue up to the period of your leaving Jamaica?—No, I will not say that they continued; no report of their continuance was made immediately previous to my quitting; but a case was reported as lately as December 1835 of the stoppage of the usual Christmas allowances having occurred on a property in the parish of Port Royal.

5284. Official complaints of that kind did not continue?—Not up to the time I left.

5285. Are you able to give the Committee any reason for the discontinuance of those complaints?—No; I do not know anything about the internal management of an estate.

5286. Sir *George Grey.*] Was it your duty to look over the reports sent in by special magistrates, and to transmit them to England?—Yes; many of them formed enclosures to the despatches.

5287. You have stated that the reports of the special magistrates were sent to England; were those the reports, or correct copies of the reports, sent to Lord Sligo?—I believe many were abridged, and some given in detail; some I examined, but they were of so voluminous a nature they could not all go through the hands of one individual.

5288. So far as they went through your hands, are you able to state whether the abridgment contained a fair statement of those reports?—Yes.

5289. Was it your duty to abridge them?—Some I abridged myself, others were abridged by Lord Sligo.

5290. Did those that were abridged by you come under Lord Sligo's notice?—Yes, every page underwent his inspection.

5291. Have you any doubt of the accuracy of the reports transmitted?—I have no doubt that they are correct.

5292. Are you able to furnish any information beyond that which appears upon those reports with regard to the questions you have just been asked?—I am so far able to give information by referring to cases which have been subsequently sent to the Government here since the publication of that blue book.

5293. These reports come down to June 1835; have there been complaints of the withdrawal of allowances that have come under your notice since the month of

of June 1835?—No, I have already stated that there have not been, except the one reported in December 1835.

5294. Mr. *Buxton.*] Do you consider that practically the negro had any redress in a case in which he might feel himself aggrieved against a special magistrate, unless he happened to be in the immediate neighbourhood of a special magistrate, or some friend of the negro who would advocate his cause?—I do not think that he had; I will explain the reasons that actuate me in coming to this answer. An apprentice might be aggrieved in a parish that is very distant from the King's-house; there might be no friend there to espouse his cause, and he is unable to undergo the fatigues of the journey, or is fearful himself to come before the governor to complain against the special magistrates; cases have occurred where complaints have been reported against the special magistrates' adjudications in the case of apprentices.

5295. Can you give any information to the Committee as to the disposition of the negroes to work for wages?—Yes; if the Committee will receive the information of the special magistrates furnished to the governor, a tabular statement of which I made out.

5296. Sir *George Grey.*] Is it from that tabular statement you derive your information?—Yes.

5297. Have you any other information than that to be derived from that tabular statement?—No; it was abridged from the special magistrate's reports.

5298. Mr. *Buxton.*] As to the appraisement of the negroes, have you any further information than that contained in those documents?—The only information I can give is its having been frequently reported to the governor the excessively exorbitant valuations fixed by the local justices on the apprentices.

5299. Mr. *Gladstone.*] Have you any information on appraisements, distinct from that contained in the documents before the Committee?—I do not know what the documents before the Committee are.

5300. Sir *George Grey.*] Have you any information on this or any other subject, except that you derive from the official documents passing through your hands in the Government-office?—No.

5301. Do you possess any of those documents now?—No.

5302. All your evidence has been founded on your recollection of those documents?—Yes; there are two or three cases fresh in my recollection.

5303. Mr. *Buxton.*] Has it come to your knowledge that any obstructions have been given to special magistrates in the discharge of their duties?—Yes.

5304. Sir *George Grey.*] Is that information procured from the same source?—Yes, the information I have, I derive from the same source.

5305. Mr. *Gladstone.*] You have been in the habit of paying short visits to sugar estates since the apprenticeship commenced?—Yes.

5306. Were you in the habit of visiting in the same way before the apprenticeship commenced?—No, not in the same way.

5307. Do you feel competent from what you have seen personally yourself in Jamaica, to communicate to the Committee any information or opinions respecting the working of the apprenticeship system, except from the knowledge you have derived from official documents?—No.

[*The Witness was allowed in revising his Evidence to make the following addition.*]

I beg to state, in addition to the answer I gave respecting prosecutions against supervisors of workhouses, that I have since been informed by a gentleman now in England, and who was present at the trials of Slowly and Jenkins, that the former was convicted of flogging a female, and the latter tried for ill treatment of a male, but was acquitted by the jury. I would also add, that I have learnt from conversation with some gentlemen from Jamaica, that free persons are confined for certain offences in the workhouses, without regard to their complexions.

Veneris, 29° die Julii, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Thornely.
Sir George Grey.	Mr. Fowell Buxton.
Mr. William Gladstone.	Mr. O'Connell.
Mr. Charles Lushington.	Sir Stratford Canning.

MR. LABOUCHERE, IN THE CHAIR.

Maurice Jones, Esq., called in; and Examined.

Maurice Jones, Esq. 29 July 1836.

5308. *Chairman.*] YOU are a proprietor of estates in Jamaica?—I am.

5309. Are you the custos of the parish of Portland?—I am.

5310. Are your estates situate in the parish of Portland?—I have two estates in Portland and two in the parish of St. Thomas in the East; that is to say, one of my own estates is in Portland, and another in St. Thomas in the East, and one I rent in Portland and another in St. Thomas in the East.

5311. In what part of the island is the parish of Portland situate?—In the north-east end of the island.

5312. How long have you resided in Jamaica?—I have been there 52 years, with the exception of five years that I came to this country. I went out in 1822; I have been out 15 years since.

5313. Have you during that period constantly resided on your properties?—Always, and managed them, since I have become the proprietor of the estates.

5314. When did you leave Jamaica?—I left it on the 19th of May last.

5315. What is your opinion generally of the manner in which the apprenticeship system is working?—It is generally improving to what it was at the first commencement; the Bill was not generally understood by the negroes, nor was it acted on by the special magistrates in the first instance; there was a great deal of fear and timidity on the part of the people that they might commit themselves under this Act, and therefore they permitted many things to go by default; but since the Bill has become more generally understood by all parties, I consider that it is every day improving.

5316. What number of negroes are there upon your properties?—About 400 upon my own estates, and about 200 on the estates I rent.

5317. What is the system upon which the negroes upon your estates work?—They work five days in a week, Monday, Tuesday, Wednesday, Thursday and Friday; Saturday they have to themselves; every alternate Saturday they volunteer their services to dig cane-holes on my estate or any neighbouring estate where they are hired.

5318. What wages do you give them for the extra time they work?—I give them at the rate of 5 *d.* for every 12 cane-holes; it is laid down by the special magistrates that, according to the texture of the soil, they shall dig from 70 to 80 cane-holes in the day.

5319. In how many hours?—In the eight hours and a half.

5320. Mr. *Gladstone.*] Do you take eight hours and a half as the legal time for which the negroes work during the day?—They work 40 ½ hours in the week; they turn out at six in the morning, they get half an hour for breakfast, three hours for dinner, half an hour surplus, taking away four hours, leaving eight hours in the day to work, and half an hour is taken to turn out after the shell-blow; they are never in the field within half an hour; it is half a mile or a quarter of a mile.

5321. Do they work five full days?—They work five days at the eight hours a day.

5322. How do they employ the three hours given them for dinner?—Their grounds are so near, they run to the grounds, or employ it as they please; I never interfere with them; it is a choice of their own.

5323. Do you ever attempt to hire them for that interval of time?—When the mill is going some are employed about the works of the mill, and I give them 5 *d.* for their own two hours, that the mill should not be stopped during the dinner-time.

5324. Do you find any indisposition to accept that hire?—None at all.

5325. Are you aware that they prefer the nine-hours' system to that on your estate?—There is a great diversity of opinion; some prefer one, some another; it is generally the result of their own choice.

5326. Is it the result of their own choice to work on the eight-hours' system on your estate?—Yes; I do not dictate to them which way they work; they prefer that.

5327. On all the estates under your management are the Committee to understand that the negroes prefer the system of working under that system?—Yes.

5328. *Chairman.*] Do you mean that you left to them the option?—Yes; if they took the Friday afternoon they would work the nine hours; I left it to them whether they would work the Friday afternoon, or work the eight hours and a half.

5329. Were they unanimously of opinion that that was the best?—The leading people were of that opinion; I found when the Friday came that they worked through it.

5330. Sir *George Grey.*] At what period was this choice made by them?—Immediately after the commencement of the Act; I have never varied it; I considered it a dangerous thing to be making alterations.

5331. Has the nine-hours' system ever been in practice on any of the estates under your charge?—I do not think it has, to the best of my recollection.

5332. Mr. *Gladstone.*] Is the eight or the nine-hours' system most generally in practice in Jamaica, as far as your own knowledge extends?—The eight-and-a-half-hour system.

5333. By that you mean the system in practice on your estate?—Yes.

5334. When you speak of 5 *d.*, do you mean currency or sterling?—Five pence sterling.

5335. Sir *George Grey.*] Are you aware of the distinction of that system going by different names, the eight-hour and the nine-hour system?—Yes.

5336. When you speak of eight hours and a half, do you speak of the eight or the nine-hour system?—I speak of eight and a half; they take three and a half for themselves.

5337. Is that the eight-hours' system as distinguished from the nine-hours' system?—I believe it is.

5338. You conceive the system usually known as the eight-hours' system is distinguished from that known as the nine-hours' system?—Eight and a half is the system generally adopted; in the neighbourhood in which I live they work the five days.

5339. Mr. *Gladstone.*] Does not it appear you get 42 ½ hours' labour from them; and is not that more than you are entitled to?—They are never punctual in their turning out; there is generally half an hour lost that we never calculate on; they do not turn out at six o'clock; it approaches nearer to seven.

5340. You do not consider that you get more than seven and a half hours' labour?—I consider we get eight hours' labour.

5341. *Chairman.*] Do you include within the time of labour the time which the negroes require to come from their huts to the field, or do you exclude that time?—In the afternoon there is half an hour allowed; they get three hours and a half, and half an hour to go to the field; that is three hours and a half in the morning; they ought to be in the field at six, but it is generally half after six or near seven.

5342. What are the names of your estates?—The one is called Boston, the other Hertford.

5343. Mr. *Gladstone.*] Then, according to that calculation, the effective labour you do procure would be about seven hours and a half?—No; we get about eight hours, losing the half hour at turning out and the half hour afterwards.

5344. *Chairman.*] Had you occasion to make frequent complaints to special magistrates of the conduct of the negroes on your property?—I never made any complaint but one, when I found they were relaxing.

5345. Have you never had occasion to complain since?—Never since the

Maurice Jones, Esq.

29 July 1836.

negroes have done their duty better: there was a case of theft once; a man stole some rum.

5346. That is not the complaint you just alluded to?—No; the complaint I made was their not turning out early in the morning, which was about a twelve-month ago.

5347. Mr. *Gladstone.*] In general, have the apprentices any considerable distance to go to the field, or a short distance?—At Boston estate and Hertford estate the works are in the centre of the cane-fields; they have about a quarter of a mile to go.

5348. Can you give the Committee any general idea whether it frequently happens that the negroes have to go a considerable distance?—It is policy to keep the gangs as near the works as possible.

5349. Do they generally contrive to do so?—They do, with the exception of worn-out land about the works; when the works are first settled they will take any land near the works; that is abandoned when it is worked out.

5350. Would you say that the negroes, on the average, have to go as far as a mile?—No; three-quarters of a mile would be the farthest, which would be to the extreme; but that is only when they are working to the extreme point of the estate.

5351. Sir *George Grey.*] You speak of the estates of which you have charge?—Yes; on my own estates they have not to go half a mile; but I speak generally of that part of the island.

5352. *Chairman.*] There is a distinction made in Jamaica between what are called allowances and what are called indulgences given to negroes, is there not?—The allowances are those that were always furnished under the slave law; they have never been withheld that I am aware of; I have never withheld them on my properties. The indulgences are in point of encouragement when they behave well.

5353. Have you continued both the allowances and indulgences to negroes on your property?—I have.

5354. Have you continued the indulgences, without requiring from them, either directly or indirectly, payment in any manner?—When I consider them as working beyond their lawful hours' labour, I pay them for it in money, and when they do it cheerfully I give them their indulgences cheerfully, and when they do not I abridge them, and say, "You have not done as you ought, so you cannot blame me if I stop your salt pork or your rice," and so on, which are indulgences.

5355. You continue your indulgences as they were given, only stopping them in case of misconduct?—Yes.

5356. Sir *George Grey.*] Were they stopped in case of misconduct in the time of slavery?—Certainly, if they did not do their work well.

5357. Mr. *Buxton.*] Do you conceive that the refusal of a negro to work in over-hours for his master is a species of offence for which he should be deprived of his indulgences?—Certainly not; I leave that entirely to themselves.

5358. Whether he works for his master or not, he still has in both cases his indulgences?—Yes, if he works cheerfully.

5359. *Chairman.*] Is this mode of treating the negroes in respect of indulgences general throughout the island, as far as you are acquainted with it?—Yes.

5360. What is the total amount of wages you have paid from the 1st of August 1834 to the nearest time you can give it?—I cannot recollect; I have brought none of my vouchers with me, not expecting to be examined.

5361. Are you enabled to give the Committee any approximation to the amount you have paid for wages?—I can tell after the rate we pay. I know the number of acres of cane-hole; they have dug probably 30 acres of cane-holes, at the rate of 5 *l.* 10 *s.* an acre, on one estate. I always give them the preference of digging the land to a jobber; that is every alternate Saturday.

5362. Is there no account in England which would enable you to give the Committee the amount you have paid for wages?—None; they are paid at the rate of 5 *d.* for 12 cane-holes.

5363. Sir *George Grey.*] What other work do they do?—Only working at their dinner-hour; they never take any spell.

5364. Can they at any time have that employment during their dinner-time?—Every day; when the meal is about those that come in go to keep the mill going during

during the two hours of dinner-time, when they might be in their houses; I give them 5 *d.* for the two hours, as I have stated.

5365. To how many?—There are 20 employed on the Castle Mill estate about the works, and 14 on the Water Mill estate.

5366. Are the same persons employed from day to day?—They have only one spell in the week; it is a well-handed estate.

5367. Is the extraordinary employment at dinner-time a matter of competition; do you find many volunteers?—All volunteers; they have but one spell in the week.

5368. Out of 400 negroes on those estates, you have found them rather anxious to be selected to work during the dinner-hours?—I never heard any objection to it; they know when it comes round; they go to it, and when the Saturday comes they come and are paid.

5369. Mr. *Gladstone.*] Have you found it necessary to employ jobbers to a greater extent since the apprenticeship began than you did previously?—The labour being circumscribed, having only eight hours out of 12, I have abandoned one-third of the cultivation of the land; with the same number of negroes now, I carry on only two-thirds of the cultivation.

5370. When you say eight hours instead of 12, do you mean it to be understood that you got 12 hours of efficient labour in the day formerly?—No, never; it was considered from sun to sun, with the exception of breakfast and dinner-time.

5371. How many hours of efficient labour do you conceive you were getting in 1833?—Nine hours and a half; they had half an hour for breakfast, and two hours for dinner.

5372. Calculating the wages you should give to your negroes during the apprenticeship, did you regulate the rate by reference to the interest of the compensation-money you were to receive, or simply by the money you found necessary to induce them to work?—I paid them after the rate I used to pay jobbers before the Emancipation Bill took place.

5373. Can you state whether what you paid to them for this work as well as what you have paid jobbing gangs, if you did employ them, exceeds or falls short of the interest of the compensation-money due to you on account of your estate?—I have not got my papers with me to know the quantity of money I have expended.

5374. Sir *George Grey.*] You are not able to make a loose calculation of the amount you have expended for wages?—Last year, taking the year 1835, I suppose I spent about 150 *l.* on the negroes, and about 150 *l.* on the jobbers. I have a certain number of cane-holes I dig uniformly on the estate.

5275. Mr. *Gladstone.*] Does that answer refer to one or two estates?—It regards my own estates.

5375*. You have 400 negroes on those estates?—Yes.

5376. Sir *George Grey.*] Were those jobbers all extra to what you would have employed under the old system, or should you still have required jobbers in addition to the slaves?—I have abandoned one-third part of the cultivation, because I could not keep it up.

5377. Should you have required the jobbers for that cultivation before the Abolition?—Yes; we always used to have 100 *l.* a year jobbing on each estate; we pay jobbers still; the apprentices are not able to dig the whole.

5378. You have paid the jobbers 150 *l.*, and you would have paid formerly 100 *l.*; are you to be understood that you have incurred 50 *l.* additional expense under the head of jobbing, and 150 *l.* for wages to your own people?—Yes, I should imagine that is correct.

5379. Mr. *Gladstone.*] What proportion of sugar have you raised in the year 1835, as compared with the years 1833 and 1834?—I think, to the best of my recollection, our crop in 1835 was 200 casks.

5380. What relation did that bear to the previous years?—The estates used to make 400 hogsheads, 200 each; they are now brought to 100 each.

5381. Taking the years 1832, 1833 and 1834, what was the average?—We have fallen off about one-third.

5382. Sir *George Grey.*] One-third of the land is gone out of cultivation?—Yes.

5383. Do the two-thirds which are cultivated produce the same amount?—Yes; we give up the cultivation of one-third, with the conviction that the labour would not bear us out.

Maurice Jones, Esq.

29 July 1836.

5384. Have you made any attempt to procure labour for this additional third, or do you think it would not remunerate you?—At the late prices it would not have repaid me.

5385. At the present prices would it repay you?—The present prices are very flattering; but there is a difference of 13 *s.* which could not be calculated on.

5386. If it were to come over again should you let that one-third go out of cultivation?—I should abandon that one-third, keeping to the best land, and not having occasion to go to so heavy an expense.

5387. Mr. *Gladstone.*] Perhaps the third you abandoned was not so favourably circumstanced?—Of course it was the old land, and required more manure.

5388. Should you have continued the cultivation if the slave system had continued?—Certainly, I should; but I should not have had to pay them for their time.

5389. Do you mean to state to the Committee, that with the extra expense to the apprentices for their extra time, you raise only two-thirds of your former produce?—Certainly; I should be very well satisfied with that.

5390. Mr. *Buxton.*] How much were you in the habit of paying for those estates of which you have spoken, for jobbing gangs, during the time of slavery?—I must confine myself to my own estates; the other two I have hired only since the Abolition Act; I used to pay for jobbing 200 *l.* a year.

5391. How much do you now pay on those two estates?—I job 45 acres of cane-holes, at 6 *l.* an acre, on the two estates; that is the regulation I have laid down; that is done by extra labour; that is about 270 *l.*

5392. Sir *George Grey.*] Is that the only kind of work done by jobbers?—That is the only kind of work done by jobbers, with the exception of dinner-time; we make a hogshead a day, probably; there are a hundred dinner-times, at a dollar a dinner-time; 33 *l.* for their dinner-time in taking off the crop.

5393. Mr. *Gladstone.*] You do not mean by 45 acres at 6 *l.* an acre, what you get in extra labour from your own negroes?—From them and the jobbers together.

5394. All the jobbing gangs and the extra time of your own negroes mixed up together?—That is the expense I go to, giving my apprentices the preference if they can do it.

5395. Sir *George Grey.*] Do you mean that your expense in extra labour beyond the labour which the law gives you amounts to 270 *l.* a year?—We make a hogshead a day every dinner-time; there are 100 dollars, 33 *l.* 6 *s.* 8 *d.*; and there being two estates, that must be doubled; 66 *l.* to be added to the 270 *l.*

5396. Mr. *Buxton.*] Was anything to be added to the 200 *l.* you formerly paid?—No.

5397. Sir *George Grey.*] £. 336 is the whole amount you have paid for extra labour on those two estates you own since the Abolition Act?—I should apprehend it is.

5398. Mr. *Buxton.*] And 200 *l.* was the amount you formerly paid?—Yes, and nothing for dinner-times; we never employed them at dinner-time.

5399. Do the negroes, during the time they are employed for wages, work more or less efficiently than they did at former times?—When they are digging cane-holes for me, it is laid down by the special magistrate that they shall dig from 70 to 80, according to the strength of the land, during the day; but when I employ them on the Saturday in their own time, on the same piece, they will all turn out very early in the morning, and do all the work, and dig probably 120; then they dig them after the rate of 5 *d.* for 12.

5400. During the time they work according to law, as your apprentices, do they work more or less efficiently than they did in the time of slavery?—They work less, certainly; they do not work with the alacrity they used to do; they seem to think they have no right to be desired to do beyond what they wish to do.

5401. Do they do as much?—No, they do not.

5402. In what proportion?—Probably in the proportion of 80 to 100 holes; in my time they used to dig 100 cane-holes, now it is 80.

5403. Sir *George Grey.*] Your time was longer?—Yes, in the old days they used to dig 100 cane-holes.

5404. That being nine hours in the field after deducting the two hours and a half; now they dig 80 in seven hours and a half?—In eight hours and a half; it is to be expected that they are all out at six in the morning, and retire at six.

5405. Do

5405. Do they turn out at that time?—No; there is a delinquency of their turning out at that time, as well as other things, and we wink at it.

5406. Do they dig from 70 to 80 now in eight hours?—Yes.

5407. Mr. *Buxton.*] In the nominal 12 before, they did 100?—Yes.

5408. Mr. *Gladstone.*] Do you think that statement bears out your general opinion, that the negro does not do so much work for his master in a given quantity of time as he did under slavery?—My opinion is, that they do not do so much, and that they do not do it with the same alacrity; they are improving certainly, but they do not do it with the same alacrity they used to do.

5409. Mr. *Thornely.*] You were understood to say they dig 120 cane-holes a day for wages?—They do.

5410. Of course, then, they work with great alacrity?—When they are working for themselves they require no compulsion; then they turn out earlier and work later.

5411. Mr. *Buxton.*] How happened it that the negroes were not overworked at former times of slavery, and grievously overworked when, with smaller assistance from jobbing gangs, and with one-third more land to cultivate, you accomplished its cultivation?—I apprehend they do not work nearly enough now; they were not overworked before.

5412. You admit the fact that the same body of men, with smaller assistance from jobbing gangs, kept one-third more land in cultivation formerly than now?—They did, because they had more time; the days were longer.

5413. Sir *George Grey.*] Which do they prefer; the apprenticeship or the slavery?—The apprenticeship.

5414. Do you think they are much better off under the apprenticeship than under slavery?—I think they are; in my opinion they are decidedly better off.

5415. What is their own opinion of it?—They are well satisfied now; they did not understand it at first.

5416. Do they show any disposition to go back to slavery?—Decidedly not.

5417. *Chairman.*] And you think they look forward to the time when they shall enjoy unrestrained freedom with pleasure?—Certainly they do.

5418. Have you any fear, from your experience, that they will refuse to work for wages when they become perfectly free?—I certainly am very feverish upon that point. I will state my opinion on what ground I am led to draw that conclusion: there is one-fifth of the rising generation brought up in idleness; the children, on the 1st of August 1834, then six years of age, will, in 1840, be 12 years of age; if there is not some salutary law to compel them to work for their living, they will be brought up in idleness; they run scampering over the estates, and not at all under direction. There may be about one-tenth on the 1st of August 1834, that were aged and decrepit; on the 1st of August 1840, they will be completely invalided; therefore if the young ones are not brought up to supply their places in the school of industry, and their morals attended to by salutary laws, I fear the consequence will be very bad in 1840.

5419. Does not it appear that upon the estates the negroes are willing not only to work but to work hard for wages?—They certainly are; I have stated they work more in their own time for wages than otherwise.

5420. Why do you suppose they will not do the same when their time of freedom arrives?—I am afraid those young children growing up will prefer idleness. Some of those boys on my estate (I think I have 50 of those free children), they will not take the 5 *d.* a day to go and weed the canes; they go and bask on the sea-side, and climb the mango-trees, and scamper over the country in idleness. I make a point of visiting the negro grounds every fortnight, and when I go there I never have found them in their parents' grounds working.

5421. Sir *George Grey.*] To what do you attribute the unwillingness of the parents that their children should work, when the parents are willing to work themselves?—I cannot account for it.

5422. Mr. *Gladstone.*] Do you mean that none of the children who were free on the 1st of August 1834 are now in employment?—I know of none.

5423. Do you speak of your own estate or of others?—I speak of the neighbourhood. I have a fine young gang on my estate; I say, "Let me see them in the yard," but they are so independent they will not come.

5424. Sir *George Grey.*] How soon did the children begin working during the time of slavery?—Between five and six.

5425. Mr. *Buxton.*] Have you a school on your estate?—We have none. I

Maurice Jones, Esq.
29 July 1836.

have given a piece of land to the parish to build a school, and also half an acre for a chapel, and they contemplate the building of a school-room attached to the chapel.

5426. There is no school at present?—None at all.

5427. Sir *George Grey*.] Who are building the chapel?—The bishop gave us 500 *l.* and the House of Assembly 500 *l.*, and the parish the difference.

5428. Mr. *Gladstone*.] Have those children had any instruction whatever, though there was no school on the estate?—They only go to church on the Sunday. There is a small chapel of ease on my estate, and a house is lent to the clergyman to perform divine service every Sunday morning.

5429. Have the children been catechised there?—Yes.

5430. Sir *George Grey*.] Do the children know how to read?—Some of them do, but very trifling; but I should hope, when the school is erected, they will resort to it.

5431. You think, though disinclined to work, they will not be disinclined to go for instruction?—No; I think that will be novel, and they will go to it; but learning will not do alone; it never could be sufficient of itself to make people give up their usual habits in youth.

5432. Do not you think that the school will have the effect of preventing their basking in the sun and climbing up the mango-trees?—It may.

5433. It will prevent their forming habits of idleness?—It may.

5434. *Chairman*.] The adult negro population on your estate are well disposed to work?—They are.

5435. Are they fond of the acquisition of money and those comforts money procures?—They are; at first they spurned at it very much, but now they take it very readily.

5436. You have found an improving disposition on the part of the negro?—Yes; they will take more readily to their work, and they work more cheerfully.

5437. Do you not think it probable that if proper care was taken to instruct the rising generation, the same motives that are now operating upon their fathers would operate upon them, and that as they grow up they will be disposed to work for wages in the like manner?—It entirely depends upon those young ones being brought up in industrious habits; the parents have been brought up in industrious habits, and now they pursue a line of industry; but if those young lads are allowed to trifle away till 13 or 14 they will never set down to work.

5438. Sir *Stratford Canning*.] Is there no obligation on the parents to educate their children?—I think the Act is silent upon that.

5439. Mr. *Lushington*.] Do you state that there is an indisposition on the part of the youths to work for money?—Yes.

5440. Do you attribute that to their having necessaries provided by their masters?—Yes; now they take them partially.

5441. Is it not likely that when the negroes shall have to provide for themselves and make their way in the world, they will naturally acquire a proper knowledge of the advantge of selling their labour? I cannot answer that question; time must prove it.

5442. Sir *George Grey*.] Have you had any opportunities of observing how they have expended the money they have got?—The negro character is of this description: when they get a little money they are very sly with it, they do not like to have it known; but they buy finery and clothes, and so on.

5443. Mr *Gladstone*.] You say that the negroes showed an indisposition to receive money; was not there a good deal of difficulty in respect of coinage?—There was.

5444. What money had you to use; were there the means existing in Jamaica until of late of paying the negroes their daily wages; had you a small silver coinage?—We had nothing less than 5 *d.*

5445. Had you five-penny pieces of silver in abundance?—Yes, we had.

5446. Mr. *Buxton*.] Have you ever offered wages to parents for the labour of their children?—No, I have never offered any definite sum to them, but I have offered them to hire their children, and see what I should give them for their day's labour. I have asked them, let your children go and weed the canes; I will pay them whatever the special magistrate shall direct; but I never could get them to volunteer.

5447. Have the parents ever refused to accept adequate wages for that which you

you have offered them?—No; we make a bargain; give them 5 *d.* for every twelve cane-holes, and 5 *d.* for dinner-time, and if they work the whole day I give them half a dollar.

5448. Have they ever refused to work for money?—Yes; I stated that at first they did; but they have improved upon that, and are glad to take it.

5449. During the time you had no schools upon your estate did you allow sectarian ministers to teach the children?—No; I never saw one upon the property.

5450. Sir *George Grey*.] Do you mean to say you refused permission?—I never was requested.

5451. Mr. *Buxton*.] You were a member of the House of Assembly?—I had that honour once; I have resigned three or four years ago.

5452. Are you aware that a member of the House of Assembly declared in the house that he persisted in the eight-hour system to prevent his apprentices going to attend sectarian places of worship at a distance?—About what time was that?

5453. Within the last six or eight months?—No; I cannot say that ever I heard of that before.

5454. You have spoken of salutary laws to compel the negro to work at the expiration of the time?—I mean the rising generation.

5455. Have the goodness to state what would be a salutary law for that purpose?—That would require some consideration, and I should request the assistance of my friend Mr. Burge as to the particular points. I am quite clear that if the legislature of Jamaica were to take it up, they would, from their local knowledge, point out such laws as would induce good habits; that I think would benefit the country after the year 1840.

5456. Sir *George Grey*.] Do you recommend a law that would render labour compulsory, or which would render it obligatory, or only one to hold out sufficient inducement?—If it could be made effectual, I should recommend a law to compel the parent to bring up his children in industrious habits; I am afraid they will be such wild creatures they will never be brought into subjection; they care nothing for their parents; they are quite independent of them.

5457. Mr. *Gladstone*.] Supposing those people are in a state to maintain themselves, and to maintain themselves without becoming a burden to the community, do you think you have a right to impose upon them by law the necessity of working to maintain the sugar cultivation of the island?—I should suppose that where there is a rising population, one-fifth part of the whole being brought up in idleness, is very alarming, and it would be very desirable that they should be brought to work; if that cannot be done, they must be brought up in the way they are, and in that case I do despair after the year 1840 of their ever working.

5458. Supposing their parents made them work in a sufficient degree to ensure their own subsistence individually, do you think in that case it would be desirable or right to pass a law compelling them to work for the purpose of maintaining the cultivation of the sugar?—Certainly. I believe that a tenth of the population must go off; I understand that is the number that will be invalided by age and disease in the year 1840; we ought to have something to fill up their places; and if the rising generation is, which I believe it is, in the proportion of one-fifth, supposing one half of that fifth is brought forward to make up the chasm made in 1840 the thing may go on.

5459. Do not you expect a great benefit from the effect of education, as stimulating character; you admit that they have been brought up without instruction?—Certainly, I must admit that.

5460. Do not you anticipate that as they rise up and become sensible of their wants and desire little luxuries, the case of your negroes will be theirs also, and that they will be as willing to work as your negroes at present are?—If I look at the Maroons, who are in a state of freedom, I see that they have never shown a disposition to labour, strong athletic men; and I certainly do think that if the children are not brought up from their infancy to industrious habits and good morals they will never work.

5461. Do not you think there are certain circumstances attaching to the case of the Maroons not similar to those of these young people, and that there is a greater analogy between the case of these children and their parents than between them and the Maroons?—There may be something in that; I cannot judge to what extent.

5462. Sir *George Grey*.] Have any of these children been apprenticed owing

Maurice Jones, Esq.
29 July 1836.

to the parents not maintaining them?—No; I never heard one instance of that.

5463. The parents do maintain them now?—No.

5464. Mr. *Gladstone.*] How are the young children who do not work clothed; at whose expense?—I never made any difference; I have bought the same quantity of clothing every year, and the same indulgences in every way; I never made any difference.

5465. Is that the case on every estate?—I believe it is; in some instances the mother will not allow her children to take the clothing. I was on the estate some time ago where they could not prevail upon the mother to let her children take the allowances; they had laid in the allowances as usual, but the mother would not do it.

5466. Sir *George Grey.*] What was the objection?—I have been told that somebody was going about the county to say that if they took anything they would compromise their freedom.

5467. There was an apprehension on that subject?—So I understand.

5468. *Chairman.*] Do you not think it possible that this notion that seems to prevail among the negro mothers, that the children would be compromising their freedom by accepting the allowances, may always prevail with regard to work, and that that may account for the idleness in which you state the negro children are at this moment?—I never heard of it with reference to work.

5469. Do not you think it likely that some misconception may prevail on that subject as well as on that of their accepting of allowances from the owner?—It may; but I know, with respect to my own estate, Mrs. Jones has always cut out the same clothing herself; and the clothing for the children has been laid out, and the mothers have come up and would not take it; that is all I can say.

5470. If those general habits of the young negroes are to be attributed to anything of that kind, is it not probable that cause will cease to co-operate as soon as ultimate freedom is introduced into the colony?—That is a question I cannot answer; time alone must decide that with certainty; nor do I know that it is actually in operation; it is only an idle thing going about.

5471. Mr. *Buxton.*] The country having given 20 millions to give entire liberty to the negroes, do you wish to impose fresh restrictions, and subject the negroes to any other restraints than those which relate to labourers in this country?—Decidedly not; but that they should be brought up to industrious habits during the remainder of the term.

5472. Do you wish that there should be any further restraints than those which exist to compel persons to work in England?—Certainly not.

5473. Sir *George Grey.*] In speaking of the law that was desirable, you meant during the probationary term?—Yes.

5474. Not any new law to take effect after 1840, when entire freedom was established?—Certainly not.

5475. Mr. *Thornely.*] In addition to your own estates you have rented two other estates since the apprenticeship system commenced?—I have.

5476. For what term are those estates rented?—During the term of the apprenticeship.

5477. Mr. *Gladstone.*] Have any cases of sales of estates since the apprenticeship began fallen within your notice?—Yes, a great many.

5478. Do you know the particulars of many?—I know an estate adjoining mine, Elmwood, that was sold under circumstances out of the Court of Chancery; the estate was formerly valued at 30,000 *l.* and it sold for 9,000 *l.*

5479. What was supposed to be the produce of that estate; how many hogsheads does it bring under the apprenticeship system?—It has fallen off very much indeed: they used to make 200 hogsheads a season, and it has fallen off to 20 or 30. I think it was under very bad management; that I must admit; it was not the cause of the apprenticeship system that reduced the crop.

5480. At what period did it make the 200 hogsheads?—About eight years ago.

5481. Are you able to state whether that estate it still capable of making 200 hogsheads under the apprenticeship system, if it is well managed?—I calculate it would make about two-thirds of them.

5482. You say that estate was sold at 9,000 *l.* out of the Court of Chancery; if it was a bankrupt sale, as it probably was, it would possibly fetch considerably less than if it was brought to market as the property of an individual?—Certainly.

5483. Sir *George Grey.*] For what do you suppose it would have sold in the

year

year 1832?—I suppose the creditor of the estate (it was very much involved) would have taken the estate for his mortgage, about 20,000 *l.* sterling.

5484. Had there been a great depreciation of property in Jamaica shortly previous to the emancipation taking place?—Yes; there was a nervous feeling, certainly, throughout the colonies.

5485. Can you give an estimate of the value of property shortly before the alteration of the system, as compared with the present?—No, I cannot.

5486. Do you suppose an estate now would sell for less than it did shortly previous to the emancipation?—Most decidedly.

5487. When you speak of an estate, do you include the negroes upon it?—I include the apprenticeship term, of course.

5488. Mr. *Gladstone.*] Looking to the sugar that estate would produce, how many years' purchase of the estate would you say 9,000 *l.* was?—That I cannot give an opinion upon.

5489. Sir *George Grey.*] Are you to be understood that the alteration of the system, and the introduction of the apprenticeship system, has diminished the value of property in Jamaica to an extent to be compared with that estate?—My own estates cost me 20,000 *l.* each; I bought one in 1814, the other in 1815; I have put, I suppose, 5,000 *l.* of stock upon each estate, additional negroes and stock; they were valued at 50,000 *l.*; I got 10,000 *l.* in the shape of compensation-money, and I offered those estates to a house in this town for 10,000 *l.* sterling, principally on account of this measure; I would not have parted with my estate but for that.

5490. You would not give the same for an estate now as you would have done three years ago?—I cannot put that more clearly than by stating what I have done with my own estate; I have received only 10,000 *l.* compensation-money, but if I could sell the two estates for the sum of 10,000 *l.* I would cut Jamaica at once.

5491. Mr. *Gladstone.*] Are you aware whether the house is likely to accept it?—It was accepted in the first instance and rejected ultimately.

5492. The estates are unincumbered?—Yes.

5493. Mr. *Buxton.*] You have not told the Committee what is the relative value of that estate now, with what it was three years ago?—I considered the value of my estate not less than 50,000 *l.* or 60,000 *l.*; everything depended upon the state of the rise and fall of the market.

5494. The question is, whether that estate has risen or fallen in value since the year 1832?—It has fallen in value.

5495. What was the value of it then?—The proper value of it I suppose was 50,000 *l.*; I mean the two estates.

5496. What could you have got for them?—I could not have got anything for them; there was nobody in the market; it was altogether nominal.

5497. Sir *George Grey.*] You think purchases have been made at a lower price since the apprenticeship system came into operation?—In some instances they have bought estates very cheap.

5498. Mr. *Buxton.*] Could you have got 20,000 *l.* for your own estates in 1832?—I could not.

5499. Mr. *Gladstone.*] Would you have taken it if you could have got it?—I do not think I should in 1832; I was not desirous of selling then.

5500. Sir *Stratford Canning.*] Were there any transactions of purchase at that time?—No, I am not aware that there were.

5501. *Chairman.*] Do you consider property more saleable at this moment than it was in the year 1832?—At a certain sacrifice.

5502. It was absolutely unsaleable in 1833?—I believe it was.

5503. Mr. *Buxton.*] How happens it that you agreed to rent two other estates?—I had two sons, and I wished them to be employed; and I rented one estate for one son, and the other for the other.

5504. You think it is possible that capital may be employed beneficially in hiring estates in Jamaica for cultivation?—It could only be in this way: those estates belonged to non-residents; my sons intended to reside upon the estates themselves, and by putting increased stock upon it, I mean fresh stock of males, and an increase of manual labour, I could bring forward the crops better than it had been done.

5505. Did you ever hire, or offer to hire, any estate during the time that slavery prevailed?—No, I cannot say that I did.

Maurice Jones, Esq.

29 July 1836.

5506. Are your estates near the parish of Vere?—No; in the parish of Portland.

5507. You are not able to give any information as to the parish of Vere?—No, I am not.

5508. Mr. *Gladstone.*] For how many hours out of the 24, during your time, has the mill been put about upon your estates?—It is impossible for me to answer that without my diary; we never work at night.

5509. Do you work, during the 12 hours, from sunset to sunrise?—We work from six to six; the sun varies; we do not take that into account; the negroes generally go to work at sunrise and leave off when it sets.

5510. Is the whole period about 12 hours out of the 24?—No; I made a contract with them; they were to give me 1,800 gallons of liquor in the 12 hours; when they have ground that quantity, it is task-work, then they are off.

5511. Under those circumstances, have you found any difficulty in carrying on the planting of canes for the next year at the time that you have been taking off the crop of the current year?—Not on the system which I adopt on the estates I own, Boston and Hertford estates; I have circumscribed the cultivation that I might have fully the means of carrying it on with spirit, and doing justice to the land.

5512. Are you aware whether in any case negroes are worked compulsorily more than nine hours in the day in Jamaica?—I am not.

5513. Are you aware what is the law upon that subject, whether the law forbids any master to work more than nine hours a day compulsorily?—Every manager has the law in his house, and the special magistrate takes it round with him.

5514. Are you aware what is the interpretation of that clause?—I believe that that has been decided by his Excellency the Governor, under the advice of the Attorney-general.

5515. Has it been decided that no master can work his negroes more than nine hours?—I believe so.

5516. Do you believe they would work if they were to be directed to work beyond the nine hours a day?—No; I believe they would not, unless they were compensated; they know their own rights very well.

5517. Mr. *Buxton.*] What clause is there in the Act which prohibits the negro being worked more than nine hours in the day?—I believe it does not prohibit specific hours, but if the law specifies the hours they shall be worked, that of course must imply that they shall not be worked for more.

William Burge, Esq., called in; and further Examined.

W. Burge, Esq.

5518. *Chairman.*] AS agent of Jamaica, have you had occasion to apply to the Government for a considerable supply of small silver coin, that has been required for the circulation of the island in consequence of the payment of wages to the negroes?—Yes. Under the Act which granted a loan to the different West India colonies, 500,000 *l.* was appropriated to the Island of Jamaica; a part of it, namely, the sum of 300,000 *l.* was lent to individuals on the security of their estates, the remainder, being 200,000 *l.*, was lent to the island, on the credit of the island. The Assembly of Jamaica directed me to remit this sum in small coins of shillings and sixpences. It was the object of the Assembly, by means of this coin, to afford facility to the proprietors of estates in paying wages to their apprentices. I applied to the Government, and every facility was afforded me by the Government and by Lord Auckland and the officers of the Mint in procuring this sum. Subsequently, the Assembly, with the same view, directed me, and for that purpose made me a remittance to this country, to procure 10,000 *l* more in still smaller coin; that was 3 *d.* and 1½ *d.* silver coinage; and I owe it to Lord Auckland and the Government to acknowledge the readiness with which I was afforded the means of transmitting this latter sum. The 1½ *d.* was, in fact, a new coinage. The Government also afforded every possible facility in the export from this country of that coinage. In consideration of the emolument the Government has from the coinage, the whole of the 200,000 *l.* was actually sent, packed at the expense of the Government, in a steamer, and put on board a vessel of war. I know the legislature of Jamaica directed this coin to be sent, in order to have the means of placing in the possession of the proprietors money to pay the wages to their apprentices.

5519. Was it the case that, during the period of slavery, this small silver coinage

coinage was ever required for the wants of the island?—I do not believe an application was ever made for such a coinage before; this species of coinage was expressly adopted to correspond with the current Portuguese coin of the colony; and being an accurate representation of the value of those coins current, they have remained in the colony, and I am not aware that any part has been remitted back here.

W. Burge, Esq.
29 July 1836.

Sir *George Grey*., Bart, a Member of the Committee, Examined.

5520. *Chairman.*] IS the Colonial-office in the habit of receiving general reports from the Governor of Jamaica on the state of the colony?—Lord Sligo is in the habit of sending periodically very full reports of the general state of the colony, and transmitting, in the despatch in which he states his own opinion, the reports of the special magistrates upon which that opinion is founded. Many of those reports have already been printed for Parliament; others have been presented in the course of the present Session, but owing to their being very voluminous, they have not yet been printed and delivered to members.

Sir *G. Grey*, Bart. M.P.

5521. What is the date of the last which has been printed?—I think the month of June or July last year.

5522. How many have been received since that?—A great many; there is a monthly report. I have recently looked through a large number of them, and I am enabled to state that they uniformly are favourable to the working of the present system; I mean that every successive report received from Lord Sligo gives a favourable account of the working of the system generally, an increasingly favourable account, subject of course to exceptions, consisting of individual instances of misconduct, oppression, and cruelty; but those instances are stated as exceptions to the general rule. I believe Lord Sligo reports all of a serious nature which come within his own knowledge; and it would be most unfair to take them as a representation of the state of society in the colony instead of exceptions to the general state of things. I will refer to some of Lord Sligo's despatches, which have not yet been printed. The first is dated the 28th of November 1835. Lord Sligo, in a despatch of that date, states, "I have been in conversation with very many of the country gentlemen, since they have come up to the assembly and to the races here, which have been going on during the last week, and I have not had a dissentient opinion given to me; all agree in saying that things are now going on vastly beyond calculation better than a short time ago. Speculations are rife. The system of working for wages appears to be becoming general, at least I have heard no one complain of the reverse." He states in a subsequent part of the same despatch, "I think that a great change has also taken place in the feelings as to the management of properties; there does not appear now to be that anxiety for corporal punishment, which its prevalence for many years had caused them at first to think indispensable." He states in many of his despatches, and there is a statement in this, with reference to the same subject to the following effect, that a great increase of crime is alleged to have taken place among the negroes since the emancipation. He says, "My own view is that this is not the case, for though the cases adjudged in open court are much multiplied, I think that the same number of offences were before committed, but that they were punished on the estates in a summary manner, and no public notice taken of them. I do not, therefore, on the whole, think that the number of offences has increased, though public notice is more called to them. I know of more than one instance of overseers having been dismissed for cruel and improper conduct; and, in short, I feel that I am fully warranted in making this report one of a favourable nature, though I think it not at all improbable but that I may not be able to make similar ones on all occasions in future; the balance, however, I feel assured will be of a pleasant nature." In a subsequent despatch, of the 13th of December 1835, Lord Sligo, after alluding to the state of the crops, says, "The more agreeable part of this report must be the extraordinary revolution which has taken place all over the island, with particular exceptions, in the mutual feelings of master and apprentice. In what this has originated it is hard to say, but the conviction is strong upon my mind, as well from my official reports as from the private conversations I have had during this session with most of the members, and with other persons well acquainted with the real feelings of the country, there has sprung up a spirit of mutual confidence, which I hope may be nurtured, and think it will. Nothing can be so likely to promote the success of the new system, and, in fact, without it

Sir *G. Grey*, Bart. M.P.

29 July 1836.

none could be expected." He states in a subsequent part of the same despatch, "I am not aware of any exception which I can make to the general report of a favourable feeling existing. By a separate return which I have had the honour to enclose to you, your Lordship will see how small a proportion of convictions, in comparison with their numbers, has fallen on the apprentices. I deny totally the fact that crime is on the increase, and has been so since the 1st of August; it is, if any, generally admitted that offences are now brought forward for trial which were formerly punished by flogging on estates, and never heard of, and that the apparent increase is to be attributed to that circumstance. I have, besides, the assurance of high legal authority that even the apparent increase of crime is only in one particular county." On the 1st of January 1836, Lord Sligo in another despatch of that date states, "I must say that the majority of them" (the reports of the special magistrates) "have given me the greatest gratification, inasmuch as they confirm, almost to the point, all those opinions which I have lately given you in my private as well as public despatches respecting the improved state of feeling which has lately appeared to exist between master and apprentice. There is not one, I am happy to say, which announces anything unfavourable in the main, though in some districts the apprentices are less civilized than in others." He then proceeds to express his opinion in the following terms: "I am persuaded that the planters have become aware of the perilous consequence of harshness; they have lost their former habits of dominion; and I think I am not deceived in saying, that, with a few very obstinate exceptions, a totally different manner of treatment of the apprentices, which promises the happiest results, has been adopted. However ignorant are the apprentices, they are perfectly sensible to their altered condition, and were so from the commencement. Finding now that they are effectually protected, they are not so anxious to maintain in all their strictness their newly-acquired rights, and very very few complaints indeed are made by them against their masters. In like manner they know that the law will be enforced against them, and they give but few causes of serious complaint, in comparison to what they did at the commencement of the new system. That they are indolent and often turn out late, that is, on ordinary occasions they do not exert their best energies for their masters, is most true; but until it shall be proved that the negroes are different from persons of another colour, it is but common sense to feel that they will not work as energetically when they get so little for it, as they do now in their masters' legal hours, as when they feel that the quantum of labour performed increases their gains. In one of the reports enclosed herewith, your Lordship will see that now they do 160 cane-holes for hire in the time they used to dig 90 during slavery. I do begin to hope, therefore, that the treatment now adopted by the planters, will be found so beneficial to the interests of the island, that it will gradually be ameliorated till the conclusion of the apprenticeship; that the conduct of the apprentices will in a corresponding ratio improve also, till at last, in 1840, the change from apprenticeship to perfect freedom will be accompanied by none of those ruinous consequences which are still anticipated by many." Then he mentions some exceptions, which it is but fair to state: "There are, however, many here, who though they behave in a perfectly satisfactory manner towards the apprentices, feel an internal conviction that they will not be able to assure to themselves the services of one apprentice after that period. These people, under this feeling, take no steps to prepare for the change they may suffer, and I fear will, but it will be their own faults. It is, however, time enough for that fault to be remedied, and I think that the greatly increased confidence which has been very generally exhibited will extend to them also." Then he gives one of the instances of misconduct to which I have adverted, which shows he does not take a blind view of the state of society in Jamaica, and overlook any of those circumstances which might be considered as detracting from the general character of his reports. "There was one overseer, a few weeks ago, whom I detected ordering for the apprentices under his charge, whenever they gave him any annoyance, the pleasing amusement of walking before his door, for such period as he might choose, with half-hundred weights upon their heads; this in the sun, and at the time of day likely to make it the most serious punishment. This having been detected by that active magistrate, Mr. Lyon, and reported to me, I named it to Mr. Duncan Robertson, the attorney for the property, who immediately went down there, in company with Mr. Joseph Gordon, who is, I fancy, the co-attorney of it, and after a rigid examination, discharged the man, and with such a character as will, I fancy, prevent his getting any other situation. These instances, however, are rare, and being noticed

noticed as this has been by the attorneys, will not, I trust, be repeated anywhere." He afterwards says, "I hear from almost all quarters that in consequence of the excellent conduct of the negroes during the Christmas holidays, it is the intention of a great majority of the managers to give them this day as an holiday, though not one by law; I am confident that they will benefit by this act of kindness. It has been generally remarked that there has been this year by far less of the John Canoeing, and the barbarous accompaniments, which heretofore have been practised at this season. The Christmas-day and Sunday has been, with the exception only of Kingston, passed in a remarkably serious manner. There, in so large a town, there must be enough of idlers to make an appearance of the sort; but it was remarked even there that the season passed off much more rationally than ever was before known." The next despatch is the 14th of January 1836. Lord Sligo in this confirms his former opinion. I will read one extract referring to an enclosure: "Enclosed herewith also goes a detailed account of the money paid by Mr. Mac Neil, of Westmorland, an excellent and extensive attorney, last year, for labour actually performed by the negroes, by which you will see that on the 12 estates therein specified, the apprentices have made equal to 440½ hogsheads of sugar in their own time, and received the sum of 665 *l.* 9 *s.* 2 *d.* for so doing." The account is in a tabular form, and I will put it in, for the information of the Committee. On the 6th of February 1836, Lord Sligo states that the number of estates where no complaints are made was regularly increasing in proportion, which he considered to be a most favourable sympton. On the 2d of April 1836, he again gives a generally favourable report of the same kind; it is thus expressed: "The altered and increased good feeling between the masters and apprentices, which I have before communicated to you, is fully confirmed." On the 7th of May Lord Sligo again adverts to the prevalence of theft alleged to exist among the negroes; he says, "I have only to regret the prevalence of stealing produce, which appears to be a serious evil. I do not imagine it to be of more frequent occurrence than it was, not even so general; but it being now wisely made the interest of the policemen to apprehend the perpetrators, the detections are frequent, and I am confident that the serious check which this body will put on this evil will of itself repay the expenditure which the island incurs in keeping it up." He also, in this despatch, calls Lord Glenelg's particular attention to the great decrease in the number of lashes inflicted by the special magistrates. In the month of April, as compared with the month of March, the decrease was about 50 per cent. I will read an enclosure to that despatch, a letter from Mr. Pryce, a special magistrate. "The apprentices," he says, on the estates under his care, "are receiving a great deal of money for extra labour. Where they are liberally paid, they give the managers great satisfaction; in short, they perform double the quantity of work in a day for 2 *s.* 6 *d.* which they do for 1 *s.* 8 *d.*; they not only work extra hours, but with increased assiduity." He proceeds to state a fact which is an important one, because it was apprehended that there would be great difficulty in inducing them to work in the field. "The work they like best," Mr. Pryce says, "is cane-hole digging, by which they can earn the most money, some even 5 *s.* or 6 *s.* 8 *d.* per day." On the 24th of May Lord Sligo sent another report, in which he states that complaints were diminishing every day, as the parties understood the law better. There was a table prepared about five or six months ago, in order to submit in one view in a tabular form the substance of the facts stated in one series of the monthly reports of the special magistrates. It is in fact a summary of those reports, prepared with great care by Mr. Spedding, a gentleman in the office. The reports were for the month of October, last year. Another table of a similar kind, for a recent period, is now in preparation. I think it important that these should be in the possession of the Committee; and I am sure the more information is obtained as to the substance and nature of the reports of the special magistrates, the less will it appear that they are what they have been represented to be, the mere agents of the managers in coercing the negroes. These reports, though varying to a certain extent, according to the character of the men and the circumstances in which they were placed, show a spirit and temper which is very satisfactory, and cannot fail to remove any unjust suspicion which may have attached to the character and conduct of the special magistrates. With reference to this subject, I feel it necessary to advert to a copy of instructions addressed by Lord Sligo to the special justices, dated January the 1st, 1836, and which I will leave with the Committee. They refer to several of the subjects which have been adverted to in the previous evidence before the Committee, and

Sir *G. Grey*, Bart. M.P.

29 July 1836.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

are of importance to be considered in connexion with that evidence. It has been presumed, that owing to the special magistrates acting only under their special commission, they could not act with full effect for the protection of the negro. That point was brought by Lord Sligo under the notice of the Government last year. He suggested that they should be furnished, where necessary, with a local commission also; the only difficulty arose from the payment of fees upon the local commission. It was not considered fair to charge that upon the special magistrates, and require them to take out the commission at an expense to themselves, and it was not likely that the expense would be defrayed in the colony. On the recommendation of the Secretary of State to the Treasury, Lord Sligo was authorized to defray the expense, and to give a local commission to as many of the special magistrates as he thought fit; the consequence is, that the whole, or a great majority of the special magistrates, have received that commission, and Lord Sligo calls their attention to this circumstance in the instructions which I hold in my hand; he says, "You will recollect that you are a magistrate, for the purposes of this Act, all over the island, and that you therefore can everywhere in Jamaica act between master and apprentice in their respective relation to one another, or between apprentice and apprentice, and between apprentice and any other person not his master and mistress, as far as the punishment of the apprentice goes." I read that passage, because it has been presumed in evidence that under the Act for carrying into effect the abolition of slavery the means existed of punishing apprentices for acts committed against third parties, and that no means existed, through the agency of the special magistrates, of punishing third parties for offences committed against the apprentices. Lord Sligo goes on to say, "And that your jurisdiction as local magistrate of the parish in which you reside enables you to inflict any punishment on any individual, not his employer, who may ill use him; you must, however, look to the law as your guide in this respect, as in many cases, such as assault, &c., it will require two local magistrates to act." There is another point particularly noticed in these instructions; the expediency and desirableness of reducing corporal punishment within the narrowest possible limits, with a view to its total extinction.

5523. Are there any other points connected with the conduct of the magistrates on which you are desirous of making any observations to the Committee?—There are very full instructions given in this document on almost every point that could come before them. There is one point on which the Committee have received a good deal of evidence. The 23d article of those instructions is as follows: "Where the apprentices have to go a distance to work off the property on which they live, you will allow them, out of their master's time, at the rate of three miles an hour to reach the ground." That is the general instruction on that point, under which the magistrates are bound to act, under Lord Sligo's authority; they are called upon also to give very minute returns to him of all the cases which come under their cognizance, and the evidence on which the adjudication takes place. With reference, again, to the sick people, they are desired to be careful in their inquiries on all occasions as to medical attendance, supply of clothing, attention to sick, feeble, old and sitting down people. "Sitting down people" is an expression perfectly understood in Jamaica. During the period of slavery they were a recognised class of people, and they appear to have enjoyed the same exemption from labour since which they did previously. The magistrates are further required to visit the hospitals and cells frequently, and at uncertain times, and report specially in their weekly diary, after each estate's name, that they have done so; they are to see that they are clean and in good order.

5524. Mr. *Buxton*.] With regard to the power given to the special magistrates of acting as local magistrates, even as things now stand, it does not appear at present whether managers are liable to any other punishment than that which the general law of the island inflicts?—Clearly not. As local magistrates, they possess precisely the power which other local magistrates would as between free persons; with respect to wages, for instance, the special magistrate has power to interfere by his local commission, even if his special commission did not give it him, which I am not prepared to admit. In case of assault, or any ill-usage to the apprentice by a free person, not his employer, the special magistrate, by virtue of his local commission, might deal with that just as a local magistrate could act in the case of two free persons.

5525. How long is it since those local commissions have become universal?—I think the correspondence began when Lord Aberdeen was at the head of the department.

department. The recommendation to the Treasury was made by Lord Aberdeen; the answer was received after he left office. I think it must have been about the month of May 1835 when Lord Sligo was authorized to grant the commission.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

5526. Mr. *Gladstone.*] Would a special magistrate, acting between party and party, adjudicate on the general laws of the island?—He would be authorized to adjudicate, by his local commission, according to the general law. Where the Abolition Act described the offence, and imposed a punishment, he would be bound to administer the law which he was sent there expressly to carry into effect.

5527. Would the Abolition Act apply to any apprentice cases between apprentice and apprentice?—It would. In some of the colonies (whether in Jamaica or not, I cannot say; I do not at this moment remember, but I think it is so) jurisdiction is given to the special magistrates over the apprentices where offences are committed against any other person than their employer. Lord Sligo seems to admit, in the passage I have read, that this jurisdiction exists by virtue of the special commission in Jamaica. With reference to pregnant women and women after confinement, it has, I think, been assumed that, according to the strict letter of the law in Jamaica, no provision is made to exempt them from the liability to repay lost time. In the 38th of these instructions, Lord Sligo says, "Questions having frequently arisen as to the liability of pregnant women to repay to their masters the time lost prior to delivery in childbirth and suckling and nursing their children, I beg to draw your attention, when any complaint may be made by the master against an apprentice under those circumstances, to the following observations: As sickness is a lawful cause of neglecting the employer's work, there does not appear any distinction between those ailments which beset the human frame from other causes and those to which it is subject in childbirth and its consequences. With respect to their attendance on sick children, much will depend upon the reality and nature of the illness, and the extent of time devoted to that duty in each particular case. But as it could never be intended, in defining the rights of the employer, to supersede the paramount obligations of a mother towards her offspring in such cases, so would it be more unreasonable to visit, by any penal infliction, a mother who neglected her duties to her employer for the sole purpose of affording her child that aid which the state of the disease might require at her hands. But if such an apology be untruly alleged as an excuse for idleness, or to deprive the employer of the time he is entitled to, it will become a case to be dealt with as any other unfounded pretext for avoiding duty. As often, however, as sufficient cause is shown, and the time taken be to a reasonable extent, women under those circumstances do not appear liable to repay the time lost."

5528. Mr. *Buxton.*] Are you acquainted with the Vere resolutions of the 28th of July 1834?—I think it extremely probable that Lord Sligo may have transmitted a copy of them at the time, which is now two years ago, to the then Secretary of State. I was not then connected with the office, and have no recollection of having seen them before; but on looking at the paper now placed in my hands, I see they profess to be regulations at a meeting of magistrates, vestry and inhabitants at the court-house, three days before the apprenticeship system came into operation. Those regulations, whatever they might be, could not control the directions given by the Governor of Jamaica to the special magistrate.

5529. You do not know whether those regulations are in operation?—No; but if they are at variance with the instructions addressed by Lord Sligo to the special magistrates, they cannot be in operation, so far as regards the special magistrates, who cannot act in defiance of positive instructions of the Governor.

5530. *Chairman.*] Do you wish to make any statement to the Committee on the subject of the comparison of the two systems, which are called the eight-hour system and the nine-hour system?—A great many communications upon the subject have been received from Lord Sligo. It has been stated, I think, by one of the witnesses, that Lord Sligo himself was an advocate for the eight-hour system, and that he recommended that in preference to the nine-hour system. To a certain extent this is true; but in justice to Lord Sligo, I am bound to state that he has exerted himself recently within all the limits of his lawful authority to establish the nine-hour system in preference to the eight hours, contrary to the opinion he had originally entertained himself of the latter being the most beneficial to all parties. He subsequently ascertained that the negroes preferred the nine-hour system, and that very general complaints had arisen of the eight-hour system being adopted: the result of his observation and the reports addressed to him proved that the negroes

Sir *G. Grey*, Bart. M.P.

29 July 1836.

liked to have half the Friday for the cultivation of their own grounds, and that they much preferred working nine hours for four days in the week, and having half the Friday to themselves. In addition to the instructions to the special magistrates (No. 20), Lord Sligo has transmitted a copy of a circular letter, of the 25th August 1835, to the custodes of parishes in Jamaica, recommending the adoption of the nine-hour system, though he says distinctly he has no power to enforce it, because the law has left that an open subject, with the qualification, however, which I find attached to it by barristers whom Lord Sligo consulted in Jamaica, that in no case shall the daily labour exceed nine hours. The question appears to be exclusively between the nine-hour and the eight-hour system, and not between a limited period of labour in the day and an unlimited one. I do not remember one single instance of complaint of a negro having been subject to compulsory labour for a longer period than nine hours in the day, unless in cases where the additional hours have been imposed as a punishment by the order of a special magistrate.

5531. You conceive the nine-hour system is preferred by the negroes almost universally?—That is my inference from the reports of Lord Sligo and of the special magistrates.

5532. Do you apprehend there has been a disposition on the part of the planters to accede to the nine-hour system when the negro population showed a decided preference to it?—I should infer, from the general tenor of Lord Sligo's despatches upon this subject, that the eight-hour system has been preferred by the planters, but that in consequence of the exertions which he has used in pointing out to the special magistrates and custodes, and through them to the managers, his views of the interest of the proprietors being promoted by adopting the system which the negroes would willingly fall into rather than one to which they would feel a great aversion, the nine-hour system has in a great number of cases been adopted. There are one or two facts connected with that which I can state. In a despatch of the 21st of August 1835, from Lord Sligo, there is an enclosure from Mr. Pryce, one of the special justices, dated Top Hill Pen, Trelawny, in the following terms: "I have the honour to report to your excellency that the whole of the estates in this district are working the nine-hour system, and getting the half of Friday, which I acquaint the apprentices is granted to encourage them to continue to perform their work honestly and faithfully when on duty in the field, and I feel pleasure in reporting to your Lordship the absence of complaints on this head." In a despatch from Lord Sligo of the 13th of December 1835, there is this passage: "There never was, in my opinion, a more injurious plan than that adopted immediately after last crop terminated, namely, changing the hour of labour from the nine-hour to the eight-hour system. What may have been the motive for doing so it is hard to say; that it was not to get more labour from them I think may be inferred from the fact that during crop, when the greatest quantity of labour which can be procured is sought for, the nine-hour system was universal. It has been said that the reason was that it was considered that by the apprentice having the half Friday to himself he had too much idle time, and that the change was made with a view to prevent that. I must say that if this were their object they exhibit sad short-sightedness. The attempt to lead free people to work is much more likely to succeed than any effort to drive them to it. I suspect, however, that this view of the subject has already struck the more reflecting, as hardly one of those great attorneys, whose conduct has led me to respect and look up to them, have continued to adopt this plan," meaning the eight-hour system. Therefore I should infer, from the general tenor of this despatch, and without having an accurate return of the estates on which the two systems prevail, that although the eight-hour system was generally prevalent, the nine-hour system was substituted for it during crop, after which there was a return to the eight-hour system after crop, but that, owing to Lord Sligo's exertions, the nine-hour system has been adopted very generally since.

5533. Mr. *Gladstone*.] Is it your impression that the eight-hour system has ever been in operation on the majority of the estates in the whole island?—The passage I read from the last despatch would rather lead me to infer that it has; but I have not sufficient information correctly to judge of that.

5534. Mr. *Buxton*.] Does Lord Sligo state that the right of resorting to the eight-hour system has ever been used for the purpose of compelling the labour of negroes beyond their extra hours?—I do not recollect that he does; he certainly states that he conceived it was done in some instances to annoy the negroes, and

Sir G. Grey, Bart. M.P.

29 July 1836.

to interfere with the free exercise of their own time. But the interest of the manager would, in some degree, control this, as he would not resort to the eight-hour system when his interest was concerned in an adherence to the nine-hour system.

5535. If he wanted to get work done, the nine-hour system would be adopted; if he wanted to annoy the negro, the eight-hour system?—Yes, certainly; I do not mean to say that Lord Sligo implies that in all cases it was done for that object, but he thought it was so in some cases, as he could discern no other motive; but he himself had been of opinion at first that the eight-hour system was the best for the negroes, and he had changed his opinion owing to the numerous complaints he had received of the dissatisfaction it occasioned in the mind of the negroes, which made him a convert to the nine-hour system. Others may have honestly entertained the same opinion as Lord Sligo.

5536. Lord Sligo stated that the negroes felt a great hardship in the eight-hour system, more than to anything else to which they were subjected under the system, did he not?—I do not think he has in those terms, but he has stated strongly the dissatisfaction it occasioned, and I think this has been almost the only complaint of a general character.

5537. Does Lord Sligo send home the evidence on the complaints of the negroes to the special magistrates?—No; Lord Sligo, in common with the other governors, was desired to retain all those documents in his own office, owing to the mass of copying which would have been required had copies been sent home. It was considered better to require an abstract to be sent home, and that he should retain the evidence, that on any reference being made by the Secretary of State to him, he might be able in any particular case to furnish the evidence on which the special magistrate had adjudicated.

5538. Has any evidence been sent home by which it appears that the negroes have made any complaints of having been worked beyond nine hours a day?—I cannot be certain as to the precise nature of the complaints made by the negroes, but judging from the statement which Lord Sligo has addressed to the Secretary of State, the numerous statements with regard to the distribution of the number of hours of labour, I am quite sure that if complaints of any other description than those which he has noticed had reached him, he would have transmitted them to the Secretary of State, or noticed them. I believe from what Lord Sligo has reported, and from the internal evidence of all his communications, that the fullest information has been afforded by him on every point connected with the working of the system.

5539. Are you aware that many planters, notwithstanding it is for their own interest to work them for nine hours, and notwithstanding Lord Sligo's recommendation, still continue to work them for eight hours?—My impression is that many do; but he states that hardly one of the great attorneys have done so. I have no doubt it prevails to a considerable degree in Jamaica; but I should also state, that if it is a defect in legislation that a more accurate distribution of the time was not fixed by law, it is a defect in our own law, and is not fairly imputable to the colonial legislature.

5540. *Chairman.*] You have heard the evidence that has been given to the Committee upon the subject of the corporal punishment of females in workhouses?—Yes; and I have endeavoured to collect all the cases which have been alluded to by Lord Sligo upon that subject, and to ascertain so far as I could the prevailing opinion of the legality or illegality of the punishment of females in the workhouses in Jamaica. There are four or five cases of this nature which have been referred to by Lord Sligo. One case reported by him is not a case of a female apprentice having been punished, even under pretence of law, but was a case of very aggravated assault, not committed in a workhouse, with respect to which a trial took place. The first case mentioned by Lord Sligo is contained in a despatch, of the 12th of April 1835, which is before Parliament, in which Lord Sligo states, that having "heard that two female apprentices had been flogged at the house of correction at Kingston, he requested a copy of the examinations which had been taken by orders of the corporation before he heard of the offence having been committed." It appears that the corporation of Kingston, who constitute the magistracy of that place, had interfered before Lord Sligo had heard of it. "These," Lord Sligo adds, "I have the honour to enclose to you, and have not directed any further inquiry, as all the material facts are there clearly laid down. I have caused it to be intimated that such a mode of punishment is illegal, excepting when ordered by a special justice, and that Dr. S——, whether as surgeon to the institution or local magistrate, had no right to order such an infliction." "My

Sir *G. Grey*, Bart. M.P.

29 July 1836.

reason for not at once deciding on what should be done is, that though the punishment was decidedly illegal, on whom to visit the offence does not appear to me to be so clear. The board of superintendence appear to me to have given a highly illegal order, as they authorized the indiscriminate flogging of males and females, in case they should not stay at the tread-mill the time they were condemned to work at it." "It is true that the apprentices, who very much dislike the constant labour of the tread-mill, do throw themselves off it and refuse to work out their sentences, and that it is very hard to manage them." He adds in a subsequent part of the despatch, "In the house of correction at Black River the gaoler has adopted the use of the cat at his own pleasure, but only on males. The moment I heard of it, of course I stopped it, and directed that they should be brought before the special magistrate, who would direct such punishment as he should deem expedient. If the matter is stopped at the house of correction at Kingston, perhaps it is not worth while to take any further notice of it, but I feel that it would be very wrong for me to have acquired the knowledge that such a matter had taken place without communicating it to your Lordship." That despatch encloses the whole of the examinations in this case. In Lord Glenelg's answer to that despatch there is the following paragraph: "Your Lordship states yourself to have caused it to be intimated that the punishment by the whip is illegal, except when ordered by a special magistrate. I conclude there is some accidental mis-quotation in this passage of the instructions which you have really given, since a special magistrate has no more right than any other justice of the peace to authorize the punishment of women by whipping; indeed, it might be more accurately said that the special magistrate is more clearly incompetent than any other person in the commission of the peace to pronounce such a sentence." The opinion of the Secretary of State, as communicated in that despatch, was, that if the offences of the females in question were committed against the law respecting manumitted slaves (or in other words, the apprentices), then, under the 17th section of the Act of Parliament, their punishment was evidently illegal; but that if they were sentenced under the general law of the island, for crimes which persons not being apprentices might commit, and if by that general law such persons would have been liable to such chastisement on such authority, then, under the terms of the proviso at the conclusion of the 17th section, the proceeding might be legal. He conceived that female apprentices *co nomine* were exempted from corporal punishment. That appears to have been the only instance which had come under Lord Sligo's cognizance at that time. On the 5th of September 1835, Lord Sligo enclosed "the proceedings at a coroner's inquest on the body of Anna Maria Thompson, who died in Buff Bay workhouse," in the parish of St. George's, "after having received a corporal punishment." He then stated that there were "one or two other similar cases, not precisely the same, but exhibiting the manner in which the law is perverted, which he had written for, and would send as soon as he could procure them." Here again Lord Sligo seems to have no doubt that the law was perverted or infringed by conduct of this nature, and that the law did not sanction the conduct of the individual. The copy of the verdict is sent: "That the said Anna Maria Thompson, on Monday the 25th day of May instant, at the house of correction at Buff Bay, came to her death from inflammation of the bowels, membrane of the liver and of the omentum, and not otherwise, to the knowledge of the jurors." There was medical evidence taken upon that inquest. It appeared from the evidence on the inquest that the woman had been severely flogged while in the workhouse.

5541. Mr. *Buxton.*] Have you any information whether the flogging came to the knowledge of Lord Sligo before the death of the woman?—No; it appears to have been a few days preceding her death. The next complaint is reported, in a despatch of the 5th of March 1836, as having taken place in St. Andrew's workhouse. On receiving intimation that improper conduct had occurred in this workhouse, Lord Sligo directed Mr. Bourne, a special magistrate, to hold an investigation, the result of which was, that Mr. Bourne was ordered to take informations against the particular individuals who had committed the offences, in order that they may be submitted to the attorney-general for prosecution at the next assizes. We do not yet know what the result of that prosecution is. Lord Sligo in this despatch mentions that six cases altogether of this nature had come before him.

5542. Do you know the result of any other prosecution?—It does not appear whether any prosecution took place in the case of the woman on whom the inquest was held in the first case I adverted to. The difficulty stated by Lord Sligo was not in proving the illegality of the punishment, but in deciding on whom to visit the offence; the board of superintendence, he stated, had given a highly illegal order.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

order. With reference to this, Lord Glenelg in his answer says, "Without undertaking to express any positive opinion whether a breach of the law took place in these cases or not," (that question depending on the fact which I before noticed) "I think that if any penalties have been incurred, they ought to be enforced. I should much deprecate any suspicion of indifference on the part of the local government on such a subject; and if persons of some consideration in the island of Jamaica have really been guilty of infringing a law so intimately connected with the moral elevation of both sexes, I think the rank of the offenders affords a strong motive for bringing them to justice. The example of their punishment would be peculiarly impressive." I am not able to state what steps have been taken in consequence of that opinion.

5543. Has Lord Sligo referred distinctly to the clause in the local Act authorizing personal correction to be inflicted in the workhouses?—No, I do not think he has; but it appears to be clearly his opinion, and he has been confirmed in that opinion by others, that the clause in our own Act, which has been transferred into the Jamaica Act, which prohibits the punishment of female apprentices by flogging, prevails over every enactment of the Gaol Act which would subject persons in confinement in any gaol to corporal punishment. These cases of corporal punishment appear not to have been cases of substantive corporal punishment inflicted for offences committed; but the corporal punishment has been used in order to compel labour on the tread-mill, or the performance of the labour which constituted the punishment, and which the supervisor appeared to feel himself bound to enforce. It never appeared to have been a part of the sentence that the individual should be confined in the workhouse and subjected to one or more floggings: the flogging was with a view to compel the hard labour, which had been part of the sentence, and it has been held to be clearly illegal. The next case is reported in a despatch of the same date as the last, and that is the case I referred to before, which was not a case of flogging a female in the workhouse, but one of a very violent assault committed on a female apprentice by her mistress, and three other persons, two of them being apprentices, under the direction of their mistress. In that case a prosecution took place, but the principal died before the trial came one. The persons tried were Anthony Britton, an accessory, and the two apprenticed labourers. They were found guilty, and the sentence upon Anthony Britton was to stand committed to the county gaol of Middlesex for the space of one calendar month; and at the expiration of that period to enter into his own recognizance of 100 *l.* to keep the peace for six calendar months, and Elizabeth Clarke and Job Spencer, the other two, were to be imprisoned in the gaol for seven days. In this case the prosecution took place at the assizes, and all three were sentenced to the gaol. I would observe, not particularly with reference to this case, but with reference to the question which has arisen as to places of confinement, that I believe apprentices and freemen are alike sentenced to the same place by the same courts, and that it depends upon the court by which they are sentenced to what place of confinement they are sent. I am not certain of the fact, but I believe that prisoners sentenced at the assizes are confined in the gaol, and that those sentenced at the quarter sessions and by the special justices are sent to the workhouses.

5544. Mr. *Buxton.*] You think there is no distinction in the place as between freemen and apprentices?—No, I think not, by law. The apprenticed labourers are more frequently sent to the workhouse, as they are chiefly sentenced by the special justices. Supposing the quarter sessions to sentence to hard labour, I believe that the prisoner would in that case be sent to the workhouse. The next case is in a despatch of the 30th of March 1836, which encloses the report of the trials of two persons, one of the name of Jenkins, the supervisor of Hanover workhouse, and the other of the name of Sloly, the supervisor of Trelawny workhouse. Jenkins's case was not a case of female punishment. He and two others were indicted for murder. The verdict was "Not guilty," but with this addition by the jury, that the prisoners were guilty of cruelty, and evinced a great want of feeling and humanity towards the deceased. There is a curious fact mentioned by Lord Sligo in this case. He says, "The jury staid on for a long time, I fancy 60 hours, and at length gave their verdict of acquittal, accompanied by some remarks, which I have requested the attorney-general to put on paper for me. It was notorious that all the jury, except one individual, were for an acquittal, and that he at last gave way in consequence of his circumstances. The measles suddenly broke out in his family, and every one of his children were attacked by it. This of course affected him very much; and besides that, being a Jew, he had religious scruples about eating the food provided for the rest of the

Sir *G. Grey*, Bart. M.P.

29 July 1836.

jurors. He, however, declared, when the verdict was given, that he was still convinced of the guilt of the prisoners, and that exhausted nature, and not his conviction, made him give way." In consequence of this verdict, it was the intention of the attorney-general to indict Jenkins for an aggravated assault at the next Montego Bay assizes. In the case of Sloly, a verdict was obtained, and the law therefore appeared to be settled, so far as it could be by the decision of a jury, in Jamaica as to the illegality of the specific offence of flogging a female in the workhouse. He was the supervisor of the Trelawny workhouse.

5545. Mr. *Buxton.*] Was the case one in which the magistrate had given the order for the punishment?—The case was one in which a special magistrate was stated by Sloly to have given the order for the punishment; but I think there is satisfactory proof that the magistrate had given no such order. I will state to the Committee the grounds of that opinion.

5546. *Chairman.*] Do you conceive, after this conviction, it is impossible that a female should be flogged in the workhouse in Jamaica under any circumstances, or on any pretext whatever?—I should have considered the illegality of the punishment finally decided, had it not been for the next case, in which the grand jury ignored the bill. It appears to me that the grand jury in that case took a different view of the law to that which both the grand jury and petit jury had in Sloly's case. That has thrown an uncertainty, not on the law, but on the construction which may be put on the law, in Jamaica.

5547. Mr. *Buxton.*] Does Sloly's case prove more than this, that where a master of a workhouse administers this punishment without the authority of a special magistrate, he is liable to be punished; but that where it is with the order of the magistrate, he is not subject to punishment?—I think not. It appears that Sloly stated that the special magistrate had authorized the punishment, but no proof was given of it. When the verdict of "Guilty" was returned, the chief justice appears to have remarked that it was both necessary and proper that such an indictment should be brought, for the purpose of trying the legality of such punishment; but he did not conceive the traverser would ever be called upon to receive sentence. The chief justice conceived the illegality of the punishment was ascertained by that trial.

5548. Did not the jury convict Sloly on the ground that he had no authority from the special magistrate to inflict the punishment?—It is impossible for me to state the grounds which influenced the jury; but judging by the report transmitted by Lord Sligo from the newspaper, the question raised was the legality of punishing a female apprentice in the workhouse by flogging. Without knowing more as to the reasons which influenced the chief justice, it is difficult to express a positive opinion as to the omission of any punishment in this case; but Lord Sligo has regretted it, adding that he felt it impossible for the attorney-general, after what fell from the judge, to bring Sloly up for judgment. The chief justice appears to have thought the object of the trial was merely to establish the illegality of the practice, and that that being ascertained, it was not necessary to go further. Lord Glenelg, in his despatch to Lord Sligo, presumed that some weight may have been given to the statement that the special magistrate's authority had been obtained. On this point Lord Sligo called on the special magistrate for explanation, and I have some documents transmitted on this subject, which I think are material, as it respects the conduct of the special magistrate. Mr. Davis says, "In answer to your letter of 29th inst. (No. 2078), and relative to my sanctioning corporal punishment in the house of correction, Falmouth, I beg to say I gave no such orders; and on my hearing that such was the case, I went to the house of correction, and asked Mr. Sloly, the workhouse master, in, I believe, the presence of Mr. Hill, by what authority he did so, and that I neither had nor could give him any such power; and, if I am not much mistaken, he said at the time he did not desire his authority from me." Mr. Davis wrote another letter to Lord Sligo, in which he says, "I have the honour to write your excellency in reference to letter of 9th inst. (No. 2285), that I have not at any time given Mr. Sloly, supervisor of the Trelawny house of correction, any authority for him to enforce penal labour by using the whip on female apprentices." There is another letter from a Mr. Kelly, a local magistrate, confirming Mr. Davis, the special magistrate, in his statement, he having been present with him on the occasion referred to; and there is a subsequent letter, from Mr. Knibb, the Baptist missionary, to Mr. Kelly, in these words: "My dear Sir,—With much pleasure, in reply to your request, I inform you that when I interested myself in the case of Catherine Reid and others, who were flogged on the tread-wheel, in the first

instance

instance I went to Mr. Special Justice Davis; that he assured me it was without his orders or knowledge, and that he instantly accompanied me to the house of correction, from which I was rather unceremoniously told to depart. It is merely justice to him which makes me send you this communication."—I think, therefore, Mr. Davis is free from the imputation cast upon him by the statement of Sloly, rebutted, as it is, by this evidence.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

5549. Did the chief justice distinctly say, in that trial, that the magistrate had not the power to give such an order?—I have no copy of the summing up, but merely the observation which I have read. The last despatch which we have had on this subject is dated the 25th of last April, in which Lord Sligo encloses the judge's notes of the trial of Martin, an overseer, not for flogging a female, but for manslaughter, and also a report of evidence of cruelties committed in St. Andrew's workhouse, on which the bills against Whiteman, the white overseer, and one of the drivers, were ignored by the grand jury in the preceding week. The case contained in this enclosure is a report from Mr. Anderson, dated Kingston, 18th of April, in which he states, "Mr. Special Justice Bourne called on me a few days ago, and stated that certain floggings of females had taken place in the workhouse at Halfway Tree, which your Lordship was desirous to have brought to trial as soon as possible." It appears there had been a previous report of this to Lord Sligo, and he had desired Mr. Bourne to make an inquiry. "I sent in three bills to-day; first, against John Whiteman, the late overseer; second, against Nelson, the driver; and third, against Philips, who is also a driver. The two first were ignored, the latter has been found. I think it right to submit to your Lordship a statement of the evidence in support of the ignored bill, because I fear it may have been rejected on a ground which, if mentioned, will utterly frustrate one of the most important enactments of the Abolition Act, namely, that which forbids the flogging of females on any account. In the case where the bill was found, the flogging was in the field, and was connected also with one or two revolting circumstances." It appears, though it is not distinctly stated, either by Lord Sligo or by Mr. Anderson, that a distinction was taken between the case of flogging in the field and flogging in the workhouse; that has thrown a doubt again upon the construction which may be put upon the law in Jamaica upon that point. The prosecution in this case was by order of the attorney-general. A despatch was consequently addressed by Lord Glenelg to Lord Sligo, stating, "If any doubt exists in the law, it is right it should be set at rest by some legislative enactment in Jamaica; that two points arose in the consideration of all these circumstances; first, whether the law could not be brought to the test of a judicial decision by some other form of proceeding; the second, whether it might not be either amended or relieved from the ambiguity with which it is at present invested. On the first of those questions, your Lordship will have the goodness to consider whether the attorney-general could not proceed by way of *ex-officio* information, so as to pass by the grand jury. I am aware of no legal impediment to such a prosecution, and it seems to me that the interests of public justice require that it should be instituted. If the law of Jamaica really authorizes this practice of whipping females on the tread-mill, or if any reasonable doubt exists respecting its legality, there is the most urgent cause for the interference of the Legislature." The papers before the Committee show that there has been a distinct allegation on the part of the House of Assembly in Jamaica that they concur in the illegality of such a punishment; and Lord Sligo has stated the same, and at the same time has recommended them to pass a law upon the subject. I conceive he has taken very much the same view that Lord Glenelg took of the case; namely, that it was not necessary to render that illegal which was already contrary to law, but that any ambiguity as to the right interpretation of the law should be removed by an Act of the Legislature.

5550. *Chairman.*] If in fact there is any doubt upon the state of the law, you do not anticipate any difficulty in obtaining a declaratory statute upon the subject from the House of Assembly in Jamaica?—I really think not; when this despatch is laid before them, as it probably will be, and when the point is fairly stated to them, I should be very sorry to anticipate that they would refuse to remove any ambiguity which exists in the law, they having solemnly declared their conviction that the practice is illegal.

5551. Mr. *Buxton.*] How have they declared the practice to be illegal; by what document does that appear?—I was referring to a paper printed for Parliament, in which Lord Sligo having proposed in the House of Assembly to make an enactment upon the subject, they objected on the ground that no enactment was necessary, the present law being sufficient.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

5552. *Chairman.*] Would the Governor have the power to put an end to this practice, by sending down a direction to the keeper of the workhouse?—He mentions an instance in which he put a stop to improper severity on the part of a gaoler the moment he heard of it.

5553. Are you aware whether any general directions have been given by the Governor to the keepers of workhouses, strictly forbidding the practice of corporal punishment on females under any circumstances?—No, I think the supervisors of workhouses have had no such general directions from the Governor. They act under the directions of the visiting magistrates.

5554. You conceive the Governor would have no power, either directly or indirectly, to forbid such a practice taking place in the workhouses?—Indirectly he can prevent it. The special magistrates are bound to report the proceedings which take place in workhouses, and which they conceive to be illegal, and the Governor has the power of directing a prosecution; I am not aware that he can exercise any summary power in such a case.

5555. Do you know that the Governor has called the attention of the visiting magistrates to that circumstance, with a view to issuing orders to the supervisors of workhouses, which will prevent the recurrence of this offence?—I am not aware whether he has or not, but I am confident, from the strong opinions which he entertains on this subject, that he has left no lawful means untried to prevent its recurrence. It has been suggested to him, that if the practice could not be checked, the special magistrate should be directed not to commit to any workhouse where the practice was supposed to exist.

5556. Mr. *Buxton.*] Has not Lord Sligo stated, that in order to prevent the punishment of females, he had directed the special magistrates not to commit to the workhouses where those punishments were inflicted?—I do not recollect that he has stated that, but a suggestion to that effect has been made.

5557. Mr. *Gladstone.*] You are not aware whether in the cases where the bills were ignored by the grand jury, it was on the ground of insufficient evidence, or a doubt of the authority of the law?—No, certainly not; and therefore it is distinctly said in the despatch itself, that "It does not appear on what ground the grand jury did throw out the bill; but if the witnesses whose depositions are annexed to Mr. Anderson's letter made similar statements to the grand jury, the rejection of the bill can be explained only on the supposition that the grand jury considered such proceedings consonant with the law of the colony." In the case in which the bills were ignored the flogging was in the workhouse, in the other case it was in the field, and in that the bill was found. It was assumed that they might have taken a different view of the evidence, but it appeared to the Secretary of State that a sufficient doubt was thrown on the construction placed on the law to render it necessary to have it cleared up by legislative enactment.

5558. Mr. *Buxton.*] Have you received a report from Lord Sligo of the case of an apprentice of the name of Priscilla, ordered to be chained to a man and the two worked together?—I have no recollection of such a circumstance, and I think I could not have heard of it or I should recollect it.

5559. Have you any recollection as to the case of an apprentice named Morley, chained to a man named Thomas?—No, I have no recollection of the case. Those are the only instances of the corporal punishment of females which I can trace as having been reported by Lord Sligo.

5560. Have you any information as to the cases of 40 or 50 men in chains, from one plantation, working together?—No; but the fact is, they work in chains in the penal gangs; but as to the numbers in the penal gangs, it must depend upon the number of offences committed in the district to which the penal gang is attached.

5561. *Chairman.*] Are you desirous of making any statement to the Committee on the subject of valuation?—Yes. A great deal has been said on the defective state of the law in Jamaica as respects the compulsory manumission of apprentices. The objection is not new, and much correspondence has taken place between Lord Sligo and the Government upon that subject. It was first brought under Lord Aberdeen's notice when he was Secretary of State for the Colonial Department, and there has been a considerable correspondence with respect to it from that time to the present.

5562. Does it appear to you that impediments are thrown in the way of the negro obtaining his freedom by the manner in which the valuations are made?—In some cases I believe impediments have been thrown in the way, but I think

I think that those are not wholly attributable to the state of the law in Jamaica; I think they are attributable partially perhaps to the state of the law, but partly to other causes.

Sir *G. Grey*, Bart. M.P.

29 July 1836.

5563. To what besides would you attribute them?—In Jamaica as well as elsewhere, the valuations must be founded on some evidence adduced as to the value of the apprentices' services. The magistrates must to a certain degree be guided by the evidence, which is given on oath, and in many cases there must be a natural tendency in the witnesses rather to raise the real value of the services of the apprentices. I mention this, because in British Guiana, where a different law prevails, free from the objection taken to the Jamaica law, complaints have been made of excessive valuations.

5564. Do not some of the instances which have been adduced to the Committee of the amount at which negroes have been valued appear to you unreasonable?—In some cases they appear unreasonable, and several instances have been selected by Lord Sligo as proving that undue obstacles have been opposed to the operation of that part of the law which was intended to give the apprentices a right to their freedom, on payment of a fair price; but those are stated as exceptions to the general rule. They have been frequent, but not numerous in comparison of the whole number. In looking at the actual amount at which the apprentices have been valued, as appears by the returns transmitted from Lord Sligo, and presented to Parliament, I am quite unable to state generally whether they are unduly high or not; it is very difficult without knowing the circumstances of the negro, his character, and his value to the estate, to form a correct opinion as to whether the valuation is unduly high or not. I asked Mr. Oldham whether he had had any experience in the transfer of the services of any apprentices from one owner to another, because I think if we could get at the average price at which one party is now willing to purchase from another the services of an able-bodied apprentice, and if we find that that does not differ widely from the average value at which the appraisers estimate the services of similar apprentices claiming their freedom, we should be able safely to conclude that the latter was not unduly high. Mr. Oldham stated that such a thing was scarcely known as the transfer of the services of a single able-bodied negro from one to another; he must have taken his family with him. He stated a purchase which he had made of 26, I think at an average of 50*l.* each, but half these were women and children; and he added that there were individuals among them, who, if they could have been transferred separately, might have fetched as much as 200*l.*; it is difficult, therefore, to say that any particular appraisement is unduly high, with the exception of one which appears in the return, and it is so much beyond all the others, that I cannot help thinking there is an error in the figures; one prædial apprentice is stated to be valued at 352*l.*; I find no other valuation in the return exceeding 130*l.*, and there is such a disparity that I think there must be some mistake.

5565. Do you apprehend that a large number of manumissions actually take place in Jamaica?—As far as these returns go, that can be seen by adding up the numbers; but I should add that this is merely an account of manumissions which have taken place under the compulsory manumission clauses of the Jamaica Act. I apprehend there have been in Jamaica numerous instances of manumission by private agreement between the owner and the apprentice, therefore the lists do not give the number of apprentices set free since the apprenticeship came into operation, but merely those affected under the compulsory manumission clauses.

5566. Mr. *Buxton.*] Are you aware that the average valuations are not decreased as the time of apprenticeship draws towards its conclusion?—No, I am not aware whether that is the case or not from any calculation which I have made. The last account from Lord Sligo states that the valuations are going on very fast, in spite of the obstacles referred to. On the 25th May he says, "38 were manumitted last week, at an average of 36*l.* 16*s.* 8*d.*, 1,400*l.* in all, paid by themselves to their masters. At a rough calculation, about 500 have been valued, at an average of about 30*l.* each." And on the 17th of April he stated much to the same effect: "The number of valuations and manumissions which are daily taking place is very great, in spite of the obstacles thrown in the way in too many instances. I observe the non-prædials, however, are for the most part freeing themselves." The second Act in Aid which was passed in Jamaica, and which was disallowed, owing to other defects not connected with that subject, placed the law in this respect on a better footing on this point; it

Sir *G. Grey*, Bart. M.P.

29 July 1836.

provided that one-third should, in all cases, be deducted for contingencies from the gross amount fixed as the actual value of the apprentice. That law having been disallowed, the magistrates are no longer compelled to adhere to the practice it enforced; in the majority of instances they do adhere to it; the special magistrates, I believe, universally insist upon it; but there are some local magistrates who have distinctly avowed their objection to that principle, and have refused to deduct the one-third for contingencies; and in order to meet the objection of the special magistrates who will not consent to concur in the appraisement without a deduction of the one-third, they have added the one-third to their own valuation, and they have placed a higher value upon the apprentice than it was sworn to by the witness for the estate, in order to meet the deduction of one-third for contingencies. In looking at the cases reported by Lord Sligo, it does not appear to me to be proved that the local magistrates have, in a majority even of those cases, combined to fix a high value as against the special magistrates. In many cases the two local magistrates have disagreed widely from each other. In some cases the special magistrate and one of the local magistrates come near together, and the common practice has been to strike an average; therefore the high valuation put by one local magistrate has never been adopted as the appraisement, neither, on the other hand, in these disputed cases has the low value agreed to be put upon the services of the apprentice by the special magistrate been the value at which they have been set free, for each has yielded something, and the valuation has taken place at a higher rate than if the special magistrate alone had fixed the value, but not at so high a rate as if a local magistrate alone had been the valuer.

5567. Mr. *Gladstone.*] Do you know practically whether the court always consists of one special and two local magistrates, or whether the practice has not in some cases been inverted?—I think it has consisted of one special magistrate and one local magistrate, where they could agree, without calling in a third; but that where there are three, two are always local magistrates.

5568. Mr. *Buxton.*] Are not there these three objections to the present system: first, that there are two local magistrates to one special in the generality of cases; secondly, that those two are proprietors of negroes; and thirdly, that lest the special magistrate should be disposed to put only a sufficient value, those magistrates have added one-third to the valuation made by the master himself?—With regard to the first question, I have stated that there are generally two local magistrates to one special, and that there is, most probably, a bias on the minds of colonial magistrates which would not exist in the minds of disinterested persons. They ought to be guided, to a certain extent, by the evidence submitted to them; that may be partial, and they may be guided by that to an undue extent. I have no doubt that the law is objectionable in theory, and this has been admitted in the correspondence which has taken place. There might be a less partial tribunal, and a different one has, in fact, been constituted in the Crown colonies; but I am not satisfied that the constitution of an improved tribunal would altogether remove the evil, for the reason which I have stated. They are not, however, bound to decide on the evidence from the estate; on the contrary, in the instructions issued by Lord Sligo to the special magistrates on this subject, they are directed in all cases to inquire whether the negro has any witness to produce, and it is upon the whole of the evidence that the magistrates must decide.

5569. Would you leave the law in that state, that one of the valuers could be permitted to add one-third to the estimate the witnesses had given?—I think it would be exceedingly wrong to sanction such a practice, but it is very difficult to prevent it by law. A remedy has been pointed out for habitual injustice in such cases by Lord Aberdeen, in his despatch of 30 December 1834, namely, the dismissal of the magistrate, and in some cases prosecution for a misdemeanor. The withdrawal of the commission is again adverted to by Lord Glenelg, in his despatch of the 17th August 1835, and in reference to a case now pending, Lord Sligo has been instructed that unless a satisfactory explanation could be given, the Secretary of State conceived he would be justified in withdrawing the commission of the local magistrates, who appeared to have put a much higher value on apprentices than had been sworn to by the witness for the estate. As these cases have rather multiplied lately, owing probably to the number of applications for valuation having increased, and as Lord Sligo was of opinion that some alteration of the law was required, it has been

Sir G. Grey, Bart. M.P.

29 July 1836.

been thought expedient to suggest that the law on this subject in Jamaica should be placed on the same footing on which it stands in the Crown colonies, and he has been instructed to propose such an alteration to the Legislature. I ought to state, that in reference to a magistrate who had placed an apparently undue value upon the services of an apprentice, Lord Sligo has since transmitted an explanation from him, in which he alleges that it was in his opinion a fair valuation, and that he should be willing to give for the apprentice the sum at which he had valued him; and Lord Sligo states, that with the exception of undue valuation, he had no complaint against him, and that in the general treatment of his people he was not open to any censure whatever.

5570. *Chairman.*] Do you wish to say anything to the Committee upon the subject of the classification of the apprentices?—It has been stated that no provision was made in the law for classification of the prædial and non-prædial apprentices with reference to the liberation of the non-prædial, which will take place in 1838. No such provision has yet been made in Jamaica by law. Lord Sligo on the 5th of December 1835, stated his views as to the classification which ought to be made. That was answered on the 22d of January last, approving of the view which he had expressed, but pointing out the necessity of some legislative enactment upon the subject, in order to prevent any doubt arising in August 1838. On the 18th of March, Lord Sligo stated his intention of immediately taking such steps as were within his power, in order to ascertain the class to which each individual belonged. In his despatch of the 24th of May last he enclosed the instructions he had addressed to the special magistrates upon the subject, and a circular letter to the custodes, which I will hand in—*See Appendix.* He adds, that it would be necessary in the course of the next session of the Jamaica legislature, that some enactment should be passed to set the matter effectually at rest.

5571. Mr. *Buxton.*] To what class are the domestics and tradesmen considered to belong?—Lord Sligo in his letter of the 5th of December says, "All domestics, whether in town or country, whether they have grounds and time allowed them, or money allowance, or food given them, are non-prædials; all tradesmen on estates and pens are prædials; all tradesmen in gangs and towns are non-prædials; they work every day in the week for the appointed number of hours, and receive an allowance;" and in that opinion the Secretary of State has concurred. I should say, that owing to the endeavours which Lord Sligo has made, in the absence of any specific enactment to ascertain correctly the class of each individual, and looking forward to the probability, I may almost say the certainty, of an Act being passed upon this subject, no practical difficulty will arise as to the apprentices entitled to their freedom as non-prædials in 1838.

5572. *Chairman.*] Do you wish to make any statement to the Committee upon the subject of the marriage law?—Yes. With reference to Mr. Beecham's evidence, I would state that a representation was received by the Secretary of State from Mr. Beecham, as secretary to the Wesleyan Missionary Society, dated the 24th of February last, in which he pointed out two evils arising, not in Jamaica only, but in the West Indies generally, with the exception of British Guiana and the Bahamas, from the present state of the law of marriage; one related to past marriages, the other to future marriages. With reference to marriages formerly performed by the missionaries of that society, he says, "So long as the state of slavery continued, those marriages, although not formally recognised by law, were notwithstanding regarded as morally good and binding, and were productive of very salutary effects. The negro mind showed itself susceptible of the sacredness of the union which religion had cemented; true conjugal affection was created, parental and filial affection was strengthened, the domestic virtues were elicited, and the negro marriages generally were so many benefits conferred upon society at large. The abolition of slavery has placed the question of negro marriages in another light, and has incidentally introduced a new and painful state of things. Those marriages among the negroes which were performed by the missionaries of the society while the negroes were regarded by the law as 'goods and chattels,' as 'things' rather than 'persons,' were sufficient to answer the purpose of marriage, so long as such continued to be the legal condition of the negro population, but no sooner were the negroes elevated to the state of persons and freemen than doubts were raised respecting the validity of their

Sir *G. Grey*, Bart. M.P.

29 July 1836.

former marriages." That was with reference to past years. The other evil arose from the missionaries not being empowered by law to celebrate marriages, and the society suggested the expediency of applying the principle of the Marriage Bill now before Parliament to the West Indies, and of legalizing the past marriages to which reference had been made. That communication was enclosed in a circular despatch addressed by Lord Glenelg, on the 15th March last, to the governors of the West India colonies, which is among the papers now printing for Parliament, in which he strongly urged the adoption of a law by the local legislatures to meet both the points suggested by Mr. Beecham. To that we have not yet received any answer.

Sabbati, 30° die Julii, 1836.

MEMBERS PRESENT.

Mr. Henry Labouchere.	Mr. Charles Lushington.
Sir George Grey.	Mr. William Gladstone.
Mr. Thornely.	Sir Stratford Canning.
Mr. Fowell Buxton.	

MR. HENRY LABOUCHERE, IN THE CHAIR.

Sir *George Grey*, Baronet, a Member of the Committee; further Examined.

Sir *G. Grey*, Bart.

30 July 1836.

5573. *Chairman.*] HAVE you anything further to state to the Committee upon the subject of valuation?—I omitted to state yesterday that upon the receipt by Lord Glenelg of the return which had been presented to Parliament of the number of valuations under the compulsory Manumission Clause, from which it appeared that in many instances the sums at which apprentices had been appraised had not been paid, Lord Glenelg addressed a despatch to Lord Sligo, of the 17th of August 1835, in which he requested to know whether the nonpayment of money in the case of those apprentices, or of any large portion of them who had not paid the money, had arisen from an undue and excessive valuation, or merely from the apprentices not having at the time the means of paying the amount, although fairly and equitably assessed. Lord Glenelg also inquired with reference to the previous communication, which had been addressed by Lord Sligo to Lord Aberdeen, whether the conduct which he had previously complained of on the part of certain magistrates still continued, reminding him that in case of any combination or habitual practice tending to defeat the compulsory Manumission Clauses, it would be necessary to remove the magistrate proved to have been guilty of it from the commission. That despatch also enclosed an extract from a letter addressed by the secretary of the Church Missionary Society to Lord Glenelg upon the subject of the valuations. Lord Sligo, in his answer of the 13th of October 1835, observed that it did not follow that those had been overvalued who had been unable to pay the money; that he had reason to think that "vast numbers had sought to be valued either from curiosity, a desire to see if they could make satisfactory arrangements to transfer their services from one master to another they fancy they would prefer, or from some vague idea of some advantage which it might confer upon them." Many cases had however been referred to him by the special magistrates, in which the local magistrates "had combined to defeat their attempts to place a fair value on the services of an apprentice;" and, though in many cases the specials had succeeded in reducing the amount, still "there were various instances in which the intention of the law had been evidently defeated." As to the remedy, he expressed himself in great doubt. The statement made by the local magistrates was that their experience enabled them to judge of the value of a negro's services better than the specials, and that they placed such a value upon them as they conscientiously believed to be a fair one. He did not see how he could interfere; he had a great aversion to any arbitrary exercise of even legitimate authority, unless the culpability of the individual to be degraded was clearly proved, not only in his own opinion, but in that of others. In one instance he had had an opportunity of removing an overseer, who had not only thrown obstacles in the way of the liberation of a female apprentice, but had announced before the magistrates that he would do so. Latterly, however, the evil had diminished, and very few now come forward,

ward, he adds, with a complaint of that sort. Then, in confirmation of the opinion which I expressed yesterday, he states that the principal difficulty which now lay in the way arose not from the misconduct of the local magistrates, but from the evidence given by the overseers and book-keepers; and he gives us an instance that one had recently sworn that a lad of 19, a common-field labourer, was worth 40*l.* a year to the estate; though it was known that gangs had lately been sold for 20*l.* each, and might now be had at that price, or 25*l.* each. In this case the magistrates, including the local magistrates, were sensible of the injustice, and rated his value at 14*l.* a year, which was 26*l.* a year lower than the value which had been placed upon it by the overseer. He adds, at the conclusion of the despatch, that though there are some cases of this sort, yet "in the majority of cases he thinks there is not much to complain of." Subsequent cases of a similar nature have been reported, and I think I have already stated that, although in my own opinion an alteration in the law will not secure a complete remedy for the existing evil, an alteration in the law has been suggested as a means of at least lessening the chance of undue valuations, although that alteration will not secure fair and unbiassed evidence.

5574. What is the alteration you refer to?—The recommendation that the law of Jamaica should be placed upon the same footing as that in the Crown Colonies, which is in evidence before the Committee.

5575. Mr. *Buxton.*] Then are the Committee to understand that the law has been in some cases evaded, that of that point there is no doubt; but the doubt is whether the remedy will be sufficient?—When I say that the law has been evaded, I mean to state that in some instances, not I think in the majority certainly, but in many instances the intention of the Legislature has been defeated, the intention being clearly that the negroes should by virtue of the compulsory manumission clauses be entitled to have a fair value put upon their services, and to purchase their freedom at that value. I have no reason to doubt that the intention of the legislature of Jamaica was the same as the intention of the British Legislature in the enactment of those compulsory manumission clauses; but owing to the working of the system of compulsory manumission in many instances a higher value has been placed on the services of the negro than I think a fair and unbiassed tribunal, judging from fair evidence, would have placed upon them, and strong representations to that effect have been made from time to time by Lord Sligo, supported by instances which he has transmitted to the home Government. Still I think upon this, as upon other points connected with the whole subject, it is important to bear in mind that the cases transmitted are transmitted not as examples of the general system, but as exceptions to the general rule.

5576. Would there be any objection to the magistrates deciding as appraisers upon their own view of the subject, and examining witnesses only as to any peculiar qualifications of the persons appraised?—There certainly would be no objection on the part of the Government to sanction a law passed by the legislature of Jamaica, which would constitute the special justices the sole appraisers, subject to any proper check that might be placed upon their appraisement; but there is no power in the executive government to require such a tribunal to be constituted, and, in fact, I do not think such a requisition could be made consistently with what the government who had the power of establishing the tribunal in certain cases have required in such cases, and it probably would create great dissatisfaction in the colony. It has been suggested, in addition to what I have mentioned, that the Chief Justice should have the power of nominating appraisers. These suggestions have been thrown out, but it has been left to the Legislature, the evil having been pointed out to them, to remedy it in the way which they think most effective.

5577. Has any report been made to the Government of a considerable mortality having taken place among the young children?—Certainly not, in Jamaica. The special magistrates in their reports have adverted to the condition of the young children; they very much confirm the account given by Mr. Jones as to their being brought up in a state of ignorance and of idleness, which they conceive hereafter will have a very prejudicial effect upon their character, but not precisely in the way which Mr. Jones anticipates. The great object of the special magistrates, is to point out the necessity of some system of education which will enable the parent to send those children to school. Those reports were made at a period when the Parliamentary grant had not become

Sir *G. Grey*, Bart.

30 July 1836.

become available to the purpose of education to the extent to which it since has, and therefore the evil has been to a certain degree diminished. There have been instances mentioned in which children have not received the care and attention which they ought to have received. I have already stated that I am not aware of a single instance in which the free children under six years old have been apprenticed by virtue of the clause which provided for their apprenticeship in the event of the parent not maintaining them. The parents, in fact, have maintained them with the assistance which they have derived, and which has been very general from the proprietors and attorneys in Jamaica continuing to the children in ordinary cases the indulgences which they received when their parents were in slavery. There are two or three cases connected with this subject which I will state to the Committee. In one case, in the district of Mr. Hawkins, a special magistrate, the mothers made an agreement, in January 1835, to work for the estate four days in the year, in their own time, on condition that the estate should provide medical attendance for their young children as before. It appears, however, that they did not fulfil their part of the agreement, thinking that if the children did not turn out to be sick they were not bound to do so; but upon the magistrate explaining to them their mistake, they gave four days labour. At a subsequent period a fresh agreement was proposed to be made to the same effect; but, when the time came, the overseers refused to accede to it. In the district of another magistrate a similar agreement was proposed, but the mothers refused; and the want of such an arrangement has been felt in both those cases. In Mr. Hawkins's district (this is with reference to the question of mortality among these children), a woman brought her child to the hospital, sick; the agreement not having been then in force, the overseer refused to take in the free child, and it consequently received no medical attendance, and it shortly after died. In this case the attorney-general intended to prosecute the overseer for neglect of his apprentice, apparently conceiving that it was a case in which, irrespective of any agreement, the overseer was bound to have made provision for the medical care of the child. The result of the prosecution I am not aware of. In the other district the measles broke out, and the mothers did not call in the doctors soon enough, the consequence was that they were detained longer from their ordinary work than they otherwise would have been by the attendance on their sick children. A dispute arose in consequence, and the manager expressed an intention of bringing the mothers before a magistrate, but Lord Sligo directed the magistrates not to entertain such a complaint, in conformity with the general instructions on this subject, which I stated yesterday.

5578. *Chairman.*] Is not it compulsory upon the manager of an estate to provide medical attendance for the children of the apprentices in case of sickness?—The attorney-general seems to be of that opinion, by directing a prosecution in the case where, in consequence of the want of medical attendance, the child died.

5579. Then why could it have been necessary for the negro mothers to agree to give their time for medical assistance to their children, in case they were sick, if they are legally entitled to such attendance?—I presume there was some doubt as to the legal obligation with respect to free children, who are to be apprenticed by the special justice, in the event of their parents not maintaining them. Whether that maintenance includes medical attendance or not, may be a doubtful point; and that doubt existing, it was probably thought desirable to remove it by an arrangement of that kind: but I have no doubt that the ordinary practice is to give them medical attendance, irrespective of any agreement.

5580. Are effectual means now in operation in Jamaica, by the proprietors, for the education of the young free negroes?—Means have been taken for the extension of schools in Jamaica: those means have, within the last year, been rendered available to a considerable extent through the agency of various societies in this country, who have agents in Jamaica, under whose care schools are now in operation. In addition to this, there have been some funds expended in Jamaica for the purpose of establishing normal schools. A considerable sum has been expended, irrespective of societies in this country, for the establishment of normal schools in the West Indies. There is a great desire for instruction, and there appears to be a general disposition, on the part of all parties, to promote it. The Committee, perhaps, are aware of some funds, which are vested, under the direction of the Court of Chancery, in trustees,

trustees, called the Trustees of the Mico Charity, who, under the direction of the Court, are bound to expend these funds in the advancement of negro education in the late slave colonies. A considerable sum has been expended by them, during the last year, in Jamaica. I have a report, from the trustees of the Mico Charity to the Secretary of State, of the measures which they have adopted during the past year in the application of their own funds, and of the funds advanced to them out of the Parliamentary grant in Jamaica, which I will put in.

5581. Have any steps been taken by the legislature of Jamaica to promote education among the young free negroes?—No Act has been passed for that purpose as yet. The subject has been brought under their consideration; and I think a committee was appointed upon the subject in the course of the last session. The Committee, of course, remember the resolution of The House of Commons in 1833, pledging The House to aid the local legislatures in providing, upon liberal and comprehensive principles, for the religious and moral education of the negro population to be emancipated. Considerable delay took place in redeeming that pledge, owing to various circumstances; and I think it may fairly be assumed that this delay operated on the proceedings of the legislature of Jamaica, in common with the legislatures of the other colonies. They waited to see what course would be taken, in pursuance of that resolution, by the Government at home. Last year 25,000 *l.* was voted by Parliament for that purpose; and it was not till the latter part of last year that the plan on which that money was proposed to be appropriated by the Government was communicated to the legislature of Jamaica; since which they have scarcely had an opportunity of passing any measure which would meet the wishes and representations of the Government. The governors of the respective colonies were directed to bring the subject before the legislatures, and to press upon them the importance of performing their share of this duty.

5582. What was the system on which this money was proposed to be applied?—The system on which this money was proposed to be applied was, as to 20,000 *l.* of it, that it should be applied through the medium of societies in this country, which had already an agency in the West Indies. The first year's grant was appropriated expressly to the building of schools; because, upon correspondence with the societies, it appeared that such an appropriation would give the greatest stimulus to the increase of education in the colonies; and it was therefore considered as the best means of effecting the object in view. The societies were required, with respect to each school, to send in the particulars of its situation, the number of scholars it would hold, its dimensions, and an estimate of the cost; and they were bound to provide one-third, the Government making up the remaining two-thirds of the expense. £. 5,000 *l.* was intended for normal schools, and was applied directly to that object, irrespective of any existing societies. £. 25,000 *l.* has been placed again upon the estimate for this year: it has not yet been voted. I can entertain no doubt that it will be voted, and that it will become applicable to the same general object: but I think it may be undesirable, in the course of the present year, to confine the appropriation of that sum to building schools, and that a portion of it may be usefully applied in the maintenance of schools already existing.

5583. Are the Committee to understand that this grant on the part of the mother country was not conditional upon anything to be done by the legislature of Jamaica?—The resolution of the House of Commons certainly contemplated that the grant would be in aid of the local legislatures. The grant was proposed to Parliament upon that understanding; but it has not been conditional on any thing done by the local legislatures. It has, in fact, been paid and applied. I should say with reference to the delay, that it was not a delay arising from any oversight or inattention to the subject, but occasioned by the necessity of collecting information from the colonies as well as from various quarters in this country. Circulars were addressed by Mr. Spring Rice, when Secretary of State, to the Governors of the West India colonies, calling upon them for returns, which were very voluminous, and required a good deal of examination in order to ascertain what would be the best system of appropriating the money.

5584. Has any bill been introduced into the House of Assembly for promoting education?—No, I think not; though some proceedings on the subject have taken place.

5585. Do you think it would be possible for the legislature of Jamaica materially

Sir *G. Grey*, Bart.

30 July 1836.

rially to assist in promoting education among the negroes?—I have no doubt that by voting a sum of money for the purpose, and placing the appropriation of it in proper hands, they might most effectually promote the object in view. It has been suggested to them to pass a law rendering education compulsory, in order to meet the many difficulties which might exist in the way of securing the attendance of the children at school. In the course of the next session this subject will, I presume, come under consideration.

5586. Are there persons connected with the societies in England, which have taken an interest in the education of the negroes, who would be able to manage properly and usefully those funds?—The societies through whom those funds have been administered all have agents as clergymen or missionaries in the West Indies. Those missionaries have already been engaged to a certain extent in the superintendence of schools connected with their missions, and they act under the direction of committees in this country in whom confidence may be fully placed, and who have already made great exertions without the assistance which is now afforded them.

5587. Is there any committee or any agency of that kind who are under the special protection of the government in Jamaica?– There are none; but it is contemplated as part of the plan that there should be an inspection of these schools on the part of the government, unconnected with any societies, in order to see that the money has been *bonâ fide* appropriated for the purpose for which it was granted, and that the schools are maintained upon the principles upon which it was intended that they should be maintained. Of the societies in this country to which I have referred, the society for the Propagation of the Gospel is one which in fact represents the bishops and the great part of the clergy. That society, and the Church Missionary Society represent the whole body of the clergy in the colony. With reference to that part of the resolution of the House of Commons which required the appropriation of this money to be upon liberal and comprehensive principles, there were two courses there to be taken: one was to establish general schools, with the money placed by Parliament at the disposal of the government, independently of any existing system, in which case probably there would have been no funds added from private sources to the Parliamentary grant applicable to the object; the other was to increase the efficiency of the various systems of education which were in operation in most of these colonies, through the medium of existing societies, by extending their means, calling upon them at the same time to contribute in proportion to the grant they received from Government. One effect anticipated by the Government, and which has been produced, was that increased funds would be placed at the disposal of the societies by the members of the respective communions with which they are connected. Most of them have made appeals to their supporters in this country, and, in addition to the funds of which they were formerly possessed, they have for this specific object received a considerable accession of funds, and the Parliamentary grant has thus been increased.

5588. Are there any Dissenting societies connected with the education of the negroes in Jamaica?—Yes, there are several; the Wesleyans, the Baptists, the Moravians, and the London Missionary Society.

5589. The plan of Government is to assist all those societies, taking care at the same time that there shall be an inspector appointed to see that the money is properly and usefully applied?—Yes, those inspectors have not been yet appointed, because the schools are not yet completed; but out of the grant which will, I hope, be very shortly made, it will be necessary to provide for the payment of some inspectors. This money has been applied to education exclusively, as distinct from religious instruction conveyed by clergymen or ministers of any denomination. But independently of this a large sum has been raised in this country. This, however, is quite irrespective of the money voted by Parliament for education.

5589*. You do not mean to imply that in those schools that receive money from the Government it is not allowed that sectarian principles of any kind should be taught?—No; the principle which has governed the appropriation of this fund has been, that as these societies were all societies of a religious nature, and embraced the leading denominations of Christians in this country, there was a security in the appropriation of the money, through the medium of these societies, that the instruction received would be fundamentally religious

religious instruction, irrespective altogether of the different shades of opinion which are entertained by different religious denominations. In the appropriation of the money generally (I do not speak of Jamaica in particular). 10,000 *l.*, out of the 20,000 *l.*, was given to the Church, through the medium of the Society for the Propagation of the Gospel, and 10,000 *l.* has been given either to general education or through the medium of Dissenting societies.

5590. Mr. *Gladstone.*] Is not the number of children under education in connection with the Church considerably greater than the number of children under education in connection with Dissenting societies?—I think it is; but I should say that nearly all the societies with which we were in communication upon the subject sent in applications to Government for aid out of the Parliamentary grant, far exceeding the amount which the Government had the means of affording them out of the money at their disposal; and I think in most cases the sum granted bore about an equal proportion to the demand which each society had made. That was one principle which we endeavoured to keep in view.

5591. The Society for the Propagation of the Gospel offered to expend 10,000 *l.* for the purpose of schools, if the Government would give a proportionate sum. But although, according to the rule which the Government had laid down, it was asking a greater proportion, yet the means of the Government did not enable them to go to the whole extent of the offer which the society made. Is that correct?—That was the case with every society with which we were in communication. All the societies would have been willing to expend a larger sum than they have actually undertaken to expend, if we could have given them a larger sum also. I have no doubt that we might have appropriated upon this principle 35,000 *l.* as easily as 25,000 *l.*

5592. *Chairman.*] Do not you think it very desirable that the grant should be increased this year?—I consider it very desirable that the grant should be a liberal one; but I think a great stimulus has been given to education in the West Indies. Looking at all the circumstances, 25,000 *l.* appears to be a fair amount to be given by this country for this object. There is a Parliamentary paper, No. 211, of this Session, which states the appropriation of the last grant.

5593. Mr. *Gladstone.*] As the sum distributed last year was not in the nature of an annual charge but a charge for a single occasion, for the building of schools, do you suppose that the Government will be enabled this year to empower the societies to do that which they proposed to do last year?—I have been in communication with various societies in anticipation of this grant, with a view to ascertain what claims they would be prepared to send in this year, and, although it is quite clear that the 25,000 *l.* will more than cover the balance of the applications remaining uncomplied with last year, those applications have since considerably increased, and I doubt whether 25,000 *l.* will enable us now to meet fully the applications which the societies are prepared to make this year, in addition to those which remained over from last year.

5594. *Chairman.*] Is it probable that the Assembly of Jamaica will be ready to assist in contributing funds to this object?—I have reason to think that the Assembly of Jamaica will be ready to assist in contributing towards the general object of education. I am not aware of any expression on their part as to the mode of appropriation adopted here, and consequently I cannot anticipate whether they will adopt this plan or not; but I think we may confidently anticipate the appropriation of some funds by the legislature of Jamaica to the support of schools in Jamaica.

5595. Mr. *Lushington.*] Are the Committee to understand that each society receiving a portion of the grant is at liberty to conduct its education according to its own religious views?—Certainly.

5596. Is it your opinion that, under these circumstances, the general principle of conducting education upon a liberal and comprehensive plan will be adequately carried out?—I think it will be adequately carried out, provided adequate funds are supplied for the maintenance of those schools.

5597. You do not think that any particular society will have any advantage over any other?—I think certainly not; except in so far as the members of the communion with which any society is connected may place at the disposal of that society a larger amount of funds than can be collected from the members of any other communion; because in proportion to the funds which any society

Sir *G. Grey*, Bart.

30 July 1836.

have at their disposal, will be their claim upon the general fund placed at the disposal of the Government for this purpose.

5598. For instance, a large proportion of the negroes who, in fact, are not instructed at all, would be nominally under the instruction of the Established Church, consequently the Established Church would probably put in their claim for a larger proportion of the grant; would they not?—No; the Established Church would not put in a claim for a larger proportion of the grant, owing to the nominal members of the Established Church being more numerous; in fact, in sending in their application, the society said nothing about the number of members of their communion in the colony; but they said, "We are prepared, out of the funds at our disposal, to build so many schools, if you will give us such assistance towards that object. We have a sum of 7,000 *l.*, or 8,000 *l.*, or 10,000 *l.*, applicable to this purpose; can you give us, out of the fund at your disposal, a sum bearing a fair proportion to that amount?"

5599. It would not appear then that those negroes, who are not immediately under the influence of the instruction of other societies, would, as a matter of course, be considered as belonging to the Established Church?—We do not consider to what church or communion the negroes belong; but we assume that if a society is prepared to expend a large sum of money in the erection of schools, they have in fact ascertained the probability of those schools being available in the colony, and of there being children likely to come to them.

5600. You do not anticipate any superior claim on the part of the Established Church in consequence of the position which it holds as an established church?—I think the Established Church in the colony has an advantage over a mere voluntary body establishing itself in the colony, just in the same way in which the Established Church has an advantage here over mere voluntary bodies, but to no greater degree.

5601. It would not have any direct advantage with respect to the allotment of the grant?—Certainly not.

5602. Mr. *Gladstone.*] Can you state the particulars of the proposal which the society for the Propagation of the Gospel made to the Government?—I do not recollect the precise sum that they proposed to expend, but they offered to do what no other society were prepared to do, which was to expend half the amount required, if the Government would give the other half. In the case of every other society, they stated they could not give more than one-third, and under those circumstances the Society for the Propagation of the Gospel was only required to provide one-third.

5603. If a larger proportion of the sum had been given to the Society for the Propagation of the Gospel, would not the result have been that a larger aggregate of money would have been expended upon education in the West Indies than has now been the case?—I think not.

5604. Supposing the question was about a sum of 5,000 *l.*, and the Society for the Propagation of the Gospel offered, upon receiving that 5,000 *l.*, to expend 5,000 *l.*; but that on the contrary an allocation was adopted, according to which, while 5,000 *l.* was expended by the Government, only 2,500 *l.* was expended in addition, is not the result what was stated in the last question?—No; the society asked for 5,000 *l.*, stating that they were ready to expend 5,000 *l.*, and we told them. We only require you to expend 2,500 *l.* by your engagement with the Government: but I presumed that the other 2,500 *l.* would be spent by the society; they actually received 7,500 *l.* out of the grant of 20,000 *l.* I should also state that almost all the societies with which we corresponded, made applications for aid on behalf of the schools in Jamaica, which if granted, would have given Jamaica a most undue proportion of the whole fund. We felt ourselves bound to make a sort of inter-colonial apportionment of the whole sum, and to give each colony a fair proportion of the amount. Most of the societies preferred Jamaica as containing a very large population in one island, and affording a more ample field for their exertions than they could secure by dispersing their agents through the different islands in other parts of the West Indies.

5605. *Chairman.*] How much of the 20,000 *l.* went to Jamaica?—£. 7,275 out of the 5,000 *l.* for normal schools; 2,500 *l.* has been expended in Jamaica.

5606. Mr. *Buxton.*] You have stated that the Society for the Propagation of the Gospel was the only society that offered to spend a proportion equal to that which the Governemnt produced. May you not add to that the Mico Charity?

charity?—I did not speak of Mico Charity Trustees as one of those societies. Looking at the principles to which the Court of Chancery requires the Mico Charity Trustees to adhere, we felt ourselves perfectly at liberty to apply a portion of the fund through their agency, the principles being those of the British and Foreign School Society.

5607. Mr. *Gladstone.*] If, however, the Society for the Propagation of the Gospel only expended the sum to which it was bound by the terms of the Government grant, then it would appear that the result of the arrangement which was determined upon was, that not quite so great an amount of expenditure for the purpose of education was secured, as would have been secured if the proposal of that society had been adopted, as they made it?—Certainly; but I contemplated that the same amount would be expended by the society, but that the schools built with the 2,500 *l.*, which they were not compellable to expend, would be altogether subject to their own control, free from any inspection on the part of the Government.

5608. With reference to the inspection on the part of the Government, have arrangements been made for carrying that into effect?—No; I have stated that the schools not having yet come generally into operation, the last grant being appropriated to building schools, no inspection has been appointed, but that it is proposed to set apart a certain portion of the grant, which, I hope, will be soon made for the purpose of providing such an inspection.

5609. Is it intended to grant any assistance to schools already in being?—The question has been recently addressed to the representatives of the different societies, whether a portion of this grant could, in their opinion, during the ensuing year, be more beneficially applied in the maintenance of existing schools, than by limiting it exclusively to building, and I think the answers we have received have been universally in favour of the application of at least a portion of the grant to the maintenance of schools; and a portion of it will probably be so applied.

5610. *Chairman.*] Do you believe the existing schools to be extremely inadequate to the wants of the young negro population?—Irrespective of the schools now in course of erection, I believe the schools were extremely inadequate, and even including those now in the course of erection, I have no doubt a large increase might be most beneficially made.

5611. Mr. *Buxton.*] Are you aware of the number of persons amongst the 70,000 negro population in the Mauritius, who are capable of reading the Scriptures?—I have seen a statement of their number, which I believe is a correct one, but I do not recollect the particulars at this moment; a very large proportion are unable to read. I believe they are in an extremely ignorant state.

5612. Are you aware that the Bible Society offered to give a Bible to all those that could read, and that the West India colonies supplied nearly 100,000 applicants for this gift; but that in the Mauritius there could be found only 10 of the negro population who could read the Testament?—I was aware of the fact of the Bible Society having offered a Bible or Testament to those who could read; but I was not aware that the number in the Mauritius who were able to avail themselves of it was so small. But I think the offer, on the part of the Bible Society, was not a present offer at the time it was made, but an offer to those who could read at a future date, several months subsequently to the offer; and the consequence, as I have been informed, in Jamaica, was, that a great many negroes who could not read, were most industriously learning to read, in order to qualify themselves for the gift.

5613. Are you aware that, in the first instance, the Bible Society offered to give it to those alone that could read?—No; I have not any precise information on the subject.

5614. Are you aware of another letter, from the same quarter, stating that there was in the Mauritius one district, comprehending 30,000 negroes, in which there was no school, and no place of worship whatever?—No: the statement I have seen was placed in my hand by a lady connected with the Mauritius, which she had received from Mr. Lebrun, who is the agent of the London Missionary Society in that colony. I have read the statement; but I have not got it by me now; but I know the general impression it left upon my mind is, that the means of instruction were extremely inadequate to the

Sir *G. Grey*, Bart.

30 July 1836.

wants of the population in the Mauritius; and that the negro population there was in a state of great ignorance.

5615. Do you not consider, especially with reference to the extreme want of education in the Mauritius, and also the want which exists throughout the other apprenticed colonies, that it is a matter of very first-rate importance at this time to provide means of education for the people?—I certainly think it is; I do not know anything of greater importance with reference to the future condition of the negro population throughout our colonies. I think that great facilities exist for the promotion of education, from the disposition which is generally shown, on the part of the negroes, to avail themselves of opportunities of education, when offered them.

5616. Are you aware that very great doubts are entertained by those Dissenting societies, who have devoted themselves in Jamaica to the instruction of the negroes, as to the propriety of having any compulsory system of education?—I have seen a letter from one of the Baptist missionaries in Jamaica, expressing considerable doubts upon that subject; but I do not remember to have seen any other communication in reference to it.

5617. You have stated, that throughout the West Indies, it is probable that the proportion of the negro children instructed by the Church is greater than that instructed by the Dissenting societies; in Jamaica is not the reverse of that the fact?—I could, by referring to some returns upon that subject, state the proportions more accurately than I can now: I am not able to answer that question from memory.

5618. There appears in the speech of the governor of Jamaica to the House of Assembly, on its prorogation on the 3d of February 1836, this passage: "I sent you down no less than four messages on the subject of an extended system of negro education. I recommended to you the establishment of a plan, even without a vote in support of it, in order that the British Government might have some grounds to go upon. As no measure on the subject has emanated from the house, can I do otherwise than conclude that you are indifferent to it?" It is presumed, therefore, from what you have stated to-day, that you have received some intelligence, since that time, of a better disposition on the part of the House of Assembly?—I cannot state accurately from recollection what has taken place in the House of Assembly on this subject; but I could do so on referring to the proceedings of the house.

5619. It is understood that the fact was, that a committee was appointed on the subject of negro education, and that that committee never came to any conclusion; is that the fact?—I would rather refer to the documents in the Colonial Office before I answer a question as to the proceedings of the legislature.

5620. As to the free persons imported into Jamaica, are you aware of the number of persons that have thus been sent to Jamaica?—No: there was a considerable number of German emigrants in the course of last year, who were brought into Jamaica; and there may have been some from other quarters; but I have no return of the number. Nothing has been done through the medium of the government upon this subject.

5621. Are you aware that a very extraordinary mortality took place among those persons?—A very considerable mortality took place among the German emigrants.

5622. Are you aware that there were some Irish emigrants, and that a very considerable mortality took place among them?—I do not remember that any information has been received with reference to any Irish emigrants in Jamaica. There have been some English or Irish emigrants introduced by individual proprietors in other parts of the West Indies, and I think, generally speaking, the mortality has been great among them.

5623. Are you aware of any body of emigrants that have been introduced into Trinidad, and that there also a similar great mortality has taken place?—No, I am not aware of that. My own opinion is, that any extensive system of emigration from this country to the West Indies is not likely to succeed. The experience we have had of the effect of the climate upon the constitution of persons going from this country, particularly of the labouring class, who would

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be much exposed to the sun, leads me to the conclusion that an extensive system of emigration of this nature could not be looked forward to as a means of carrying on sugar cultivation in the West Indies.

5624. Mr. *Buxton.*] Do you consider that measures are taken adequate to afford protection to the magistracy in the discharge of their duties in the West Indies?—I think that the magistrates are exposed to vexatious prosecutions, and that the law as it stands does not adequately protect them from such prosecutions; when I say they are exposed to them, I mean that they are liable to them, because in two instances only out of the numerous magistrates that are exercising their functions in Jamaica, have such prosecutions been instituted—the cases are those of Captain Oldree and of Mr. Bourne, which have both recently occurred, and in both of which a verdict was given against the magistrate, but a new trial had been applied for, and was expected to take place, and consequently the final result is not yet known.

5625. Was not the conviction of those two magistrates a sufficient warning to the magistrates at large, that they might be liable to great persecution if they offended the planters?—I do not think I should draw such a large inference from it as that; nor do I think, from the experience we have had even since those prosecutions, that there has been any relaxation of zeal or diligence on the part of the special magistrates. Certainly, if they find that these two magistrates were ultimately obliged, out of their own pockets, to pay the damages and costs incurred by those trials, it would have a prejudicial effect upon the magistrates, and for that reason I think the government are bound to indemnify any magistrate, who may appear to have acted *bonâ fide* in the discharge of his duty, against any personal loss in consequence of such a verdict, and if the government adopts that course, it would, I think, neutralize the effect alluded to in the question put to me.

5626. Is it enough to indemnify the magistrate, inasmuch as the person who prosecutes him receives the amount of the fine?—It is quite enough to indemnify the magistrate, in order to prevent the effect being produced upon the mind of the magistrates, which the question referred to. It may be an inducement to the prosecutor if he is to put the money into his pocket, but if the defendant is not to pay any damages or costs, it is not likely to affect him in the discharge of his duty.

5627. Does the fact that those two magistrates were convicted and fined in such large sums, seem to you to warrant the inference, that, in questions affecting persons of different colours, fair and equal justice will be obtained in the courts in the West Indies?—I think the administration of the law in the West Indies at present is not generally in that state in which it ought to be. I think that it is desirable everywhere that the administrators of the law should be placed in the hands of persons free from local bias, and from any prepossession which may affect their decisions; and looking at Jamaica in common with many other parts of the West Indies, the constitution of the bench does not appear to me to be such as to afford full confidence in the decisions which emanate from the bench. But in the case of the two magistrates whose trials I have referred to, it is rather the jury than the bench who have decided. They were not criminal prosecutions in which the magistrates were fined, but a civil action brought for damages, in which a jury has given a verdict, and assessed the amount of damages. In one case the chief justice presided; in the other case, owing to the illness of the chief justice, a colonial judge presided: my opinion is, looking at the report of the trial, that the verdict, at least so far as relates to the amount of damages in the case in which the chief justice presided, was contrary to his opinion; and as the motion for a new trial would probably come before the chief justice himself, I have very little doubt that both cases will undergo revision.

5628. Then the Committee are to understand that you have some distrust as to justice being obtained in the courts of the West Indies, on account of the modes in which the bench is formed, and a still greater distrust in questions affecting persons of different colours, as far as the jury is concerned?—If the question applies to the West Indies generally, I would rather refer to what has been stated in the course of the present Session in both Houses of Parliament, with reference to the Bill "For the better Administration of Justice in the West Indies." That Bill does not apply to Jamaica, but the objections which are very

Sir *G. Grey*, Bart.

30 July 1836.

very forcibly stated in the Report of the Commissioners of Legal Inquiry, and on which that Bill was founded, apply to Jamaica, though I think less strongly to Jamaica than they do to some of the other colonies, because there is a chief justice and an attorney-general in Jamaica, taken from the bar in this country. But looking at the state of colonial society generally, as affected by the long continuance of slavery in the West Indies, there is much reason to distrust the impartiality of juries as at present constituted; not that I mean to imply that they are guilty of a deliberate violation of their oath as jurymen, but it is the case in this country and everywhere else that persons are liable insensibly to be affected by influences which ought not to find their way into a jury box; and the greater the division of one class of society from another, the greater distrust I should entertain of the decisions of juries constituted from one class of society only.

5629. Have you received any report as to the places of confinement upon the estates in Jamaica?—No specific report upon that subject. The condition of the hospitals on the estates, which are to a certain extent places of confinement, have formed a subject of communication in common with other topics from the governor of Jamaica, and a correspondence has taken place with reference to them.

5630. Has the report generally been that those places of confinement are in a very unsuitable condition?—In some instances they are. I think abuses have existed in connexion with the hospitals to which I am now referring; they have been used as places of confinement, not for the express purpose of punishment. But the question has arisen whether it was right in all cases to lock up and confine at the hospital persons who are unwell to a degree which prevents their performing their daily work. A practice seems to have existed in some cases of confining all persons indiscriminately to the hospital who were unable to work. That practice I do not believe to have been general, and it has been expressly discountenanced by instructions from the government. A question has been recently submitted to the Secretary of State with reference to a particular case which occurred in an estate hospital in Jamaica, and instructions have in consequence been given, which I hope will prevent a recurrence of any abuse in that respect.

5631. Has the Jamaica Workhouse Act been allowed or disallowed?—I believe this Act is in force, subject of course to any qualification of it which has been introduced by the law for carrying into effect the abolition of slavery: this Act passed before the alteration of the system. The jurisdiction of the special magistrates has been subsequently created, and the power of inspection of hospitals and workhouses is, as I conceive, indisputably vested in the special magistrates, which I think imposes a most salutary check upon any abuses which might exist, irrespective of any such inspection. I should also state the qualification, which I referred to yesterday, as to the corporal punishment of female apprentices.

5632. Although the Act is in force, is it open to disallowance in those passages which seem to militate against the views of Government with regard to the negro population?—If it has not been expressly allowed, it is open to disallowance; but I am not aware at this moment whether it has been expressly allowed, or whether it has been merely allowed to take its course.

5633. Has it been reported to you that gaols have been erected on some estates for the confinement of negroes, and that very offensive means have been employed in order to increase the severity of the punishment, and the special justices have been refused by planters permission to inspect such gaols?—I do not recollect any such report. If the question means that gaols have been erected in which the proprietors or managers of estates may confine apprenticed labourers, and that from those places of confinement the special justices are excluded, I think I may certainly state that no such information has been received. There have been complaints among the reports from special magistrates, with respect to the confinement of apprentices, without the order of a special justice; but that the special justices are excluded from inspecting any place of confinement in Jamaica, by law, or practically, I should be prepared to deny.

5634. Are you aware that two persons in the parish of Saint Thomas-in-the-Vale, named Lowndes and Giles, refused permission to a special magistrate named

named Harris to visit the gaols upon the estates about the beginning of this year?—I am not aware of the fact; it may be so. If you can furnish me with the date of the occurrence, I have no doubt that I shall be able to ascertain whether any report of that kind is comprised among the reports of the special magistrates of that period. It is possible that such a refusal may have been given; but I should not infer from the refusal that they were legally authorized to refuse it, or that there were not means of compelling it. I have no doubt that if such a case has occurred effectual means are vested in the governor of Jamaica, of which he would avail himself for remedying it.

5635. Supposing the fact were to be proved, could a greater penalty than that of 5 *l.* be imposed upon the delinquents?—Not by the authority of a special justice, but by a prosecution at the suit of the attorney-general, which has been frequently resorted to in cases of misconduct. If the refusal was a single refusal, not persevered in, the penalty liable to be inflicted by the magistrate would be only 5*l.*; but if it was persevered in, the penalty which the special magistrate might impose could of course be repeated upon every occasion of refusal, and therefore the special magistrate might multiply penalties to any extent he pleased by merely multiplying his applications, unless the evil was remedied.

5636. Are you aware that it appears by a paper which has been presented to Government, as to the number of punishments inflicted, that the punishments seemed to be not upon the decrease, but upon the advance?—If the question refers to punishments generally, and not to corporal punishment, I believe it does appear from the returns that the punishments of the first year, or a portion of the first year, were not equal in amount to the punishments of the corresponding period of the second year; but, so far as corporal punishment is concerned, it was very considerably diminished; and, from returns subsequently received, it appears that that diminution is going on progressively; and it also appears, from recent returns, that the whole number of punishments inflicted is much upon the decrease. I should account for the former increase in the aggregate number of punishments, to a certain degree, by the fact that the number of special magistrates in Jamaica was very inadequate indeed when first the system came into operation, and that consequently a great number of complaints were not brought before them. It was found necessary to double the number of special magistrates for Jamaica; consequently, the number of punishments probably increased from there being more cases brought before them for adjudication.

5637. Have you any return of the amount of time forfeited by the judgments of the special magistrates?—No return, except that which appears in the regular returns of punishments. As to corporal punishments, it appears there has been a considerable diminution: the average of corporal punishments during the first year was 642 monthly, out of the whole negro population of about 250,000 apprentices. The number of corporal punishments in March last was 259; and I referred to statements yesterday, in the evidence which Lord Sligo had sent home, with regard to corporal punishments, in the month of April, which showed that a great decrease had taken place in April as compared with March; and his instructions to the magistrates have urged strongly upon them the abolition, if possible, of that punishment. Many of the punishments are extremely slight; and therefore, although the number of punishments may appear to have increased in the earlier part of the second year, as compared with the earlier part of the first, it does not at all follow that the aggregate amount of punishment was increased. In many instances whole gangs have been punished by extra work for loss of time; and the individuals composing them appear upon the return as so many instances of punishment.

5638. Are you quite convinced that in such cases they appear not as one punishment, but as separate punishments?—I am quite convinced of it in some cases, because I know that in other colonies notes have been added to the return, calling the attention of the Government to the apparent increase arising from that circumstance; and I have no doubt that the same is the case in Jamaica.

5639. Have you received any instruction from Lord Sligo to the magistrates, upon the subject of mulcting the negroes in point of time?—The instructions of

Sir *G. Grey*, Bart.

30 July 1836.

Lord Sligo, which I put in yesterday, comprise, I think, some directions upon that subject. They are dated the 1st of January 1836, and they are a consolidation of all the other instructions under which the special magistrates are now acting. The introductory passage of these instructions is as follows: "The instructions which have been sent to the special justices at various times, as circumstances have arisen calling for observation, being now, in some instances, inapplicable in consequence of altered laws, and for other reasons, and being also inadequate in some points, I have determined on having others printed in a compendious form, so that they can be carried about with you wherever you go, as a guide for your conduct." So that these instructions appear now to comprise the whole of the instructions addressed to the special magistrates. As to punishment, he states, "Prefer always to take sufficient time to decide carefully any case which may come before you, rather than hurry from place to place to have a greater number of miles on your list; and in your adjudications of punishments, take this as your grand end and object—the total abolition of the lash. The great diminution of the number of punishments of this description, which I notice in the returns of the special justices, induces me to hope that ere long, as the apprentices understand the law better, and feel that it must be obeyed, the use of this degrading and cruel mode of punishment may be entirely abandoned."

5640. Is the following 8th Instruction, dated the 18th of February 1835, still continued: "In the adjudication of punishment it is recommended that, wherever the offence will allow it, you should allot the punishment in such a way as to give the estate as much labour as you can. There are many cases where it will be necessary to adjudge immediate personal chastisement, but where it can be done without injury to justice, the interest of the proprietors are to be considered in the punishment you award. In all cases of insufficient labour or loss of time from any cause, I recommend double the quantity should be decreed, such as if one day is proved to have been lost, to adjudicate that two should be given. When the apprentice has made 30 cane-holes too few, to order him to make 60 more. The effect of this will be to prevent such constant references to the magistrates, and establish a system of continuous and steady work." The rule upon that subject at present in force is No. 15, in the Instructions, to which I have referred: "In the adjudication of punishment you will observe the following rules: No corporal punishment to be inflicted without your own presence, or that of some officer or non-commissioned officer of police, who is to report the same to you, and see that the amount of your sentence is not exceeded. You will write down on paper, for that purpose, the amount of punishment; you will also write it down in the estate's book, so that when any fresh magistrate comes, and finds any person in confinement, or suffering any punishment, he will know whether it be legal or the reverse. As corporal punishment has much diminished in this island, so much so as indeed to render it probable that ere long it will be possible without injury to dispense with it entirely, as has been done in other islands, you will substitute for it in every possible case other description of punishments. You will in all cases give the estates, when possible, the advantage of it, inasmuch as the offence is in general to its detriment. Should a certain time of labour be equivalent, in your idea, for the offence committed, and that it is necessary that the culprit should be sent to the penal gang you will so apportion the punishment, that half the time shall be in the penal gang, and the other half in extra time, to repay the estate the loss. You will recollect that the increased work cannot exceed 15 hours a week, and that it is very advisable that they should have every other Saturday for their grounds. In case it shall so happen that it is not convenient to give every other Saturday, you must take care that the estate shall feed the apprentice while he has not time allowed him to work his grounds. It would be expedient that any repayment of time lost should be made rather greater than what has been illegally taken, as otherwise it would be a simple exchange of time, at the apprentice's pleasure, to his master's detriment. I therefore would suggest, for example, that if a man were 40 holes short, he should be condemned to repay the 40 lost and 20 holes as a punishment; and so on in other matters. But in case you shall find that any complaint is made by any manager, which has the appearance of being frivolous, or if such is the general character of the complaints on that estate, you will, instead of making the negro pay time to the estate, assign him such other punishment, either in the workhouse

workhouse or otherwise, as you shall think proper." This is the substitute apparently for the regulation to which the question referred. With reference to this regulation, I think it throws light upon one point, with respect to which doubt has been suggested, namely, the power of the special magistrate to apportion the extra time. He is reminded that in imposing extra time, it is desirable that the negro under punishment, should have every other Saturday for his ground, clearly implying that the special magistrate is to apportion the extra time, and that it is not left to the discretion of the manager, as has been inferred from the strict letter of the law.

5641. Are you of opinion that an adequate check is now placed upon the special magistrates, to secure the fidelity of their returns of punishments, either as to their nature or their extent?—I think as efficient a check as can be devised, is placed upon the accuracy of those returns. Looking at the facilities which there are in Jamaica of communication with the governor, and at the existence of many persons who would be willing to give information in any cases of abuse that came under their cognizance, I do not see that any more efficient check could be devised than that which at present exists. And I must say, looking at the character of the special magistrates generally, I place very great reliance upon the accuracy of their returns. I should also state that publicity has been given to those returns recently, by Lord Sligo, in Jamaica, which affords an additional check to that which would exist if they were merely transmitted to him, and no other person had an opportunity of looking at them.

5642. In this 15th instruction it is said, "In case you shall find that any complaint is made by a manager, which has the appearance of being frivolous, you will assign to the negro some other punishment than that of working upon the estate." Is it to be understood by that that the magistrate is to punish the negro in consequence of a frivolous complaint made by the overseer or planter?—I think certainly not; I think that is intended as a qualification upon the former part of the instruction, which directed the magistrate, in the case of a substantial offence, to give the estate which had been a loser by the misconduct of the apprentice the benefit of the punishment, by compelling him to repay the time. But if the manager was in the habit of making complaints, not wholly unfounded, but which were of a trifling nature, and which had the appearance of being frivolous, I think it meant that although the magistrate was bound to take cognizance of them, in administering the law, and could not say this is no offence, he was not to let the manager have the benefit of the punishment, but to sentence the apprentice to such other punishment as he thought adequate to the offence. It does not imply that he is to impose a punishment inadequate to the offence, but that he is not to hold out an inducement to managers to make unnecessary complaints, with a hope that the estate will get the benefit of additional labour by that means.

5643. Do you know whether any notice has been taken, in any part of the communication with Lord Sligo, of the two constructions which this may bear; the one, that he is to be punished for a complaint, though frivolous, and the other that he is to be punished for a complaint, which is perhaps frivolous in the way you have mentioned, though an offence against the law?—I do not think, taking it in connexion with the whole of the instructions, that it is capable of two constructions. I do not think a magistrate could punish a negro for an alleged offence, which was not an offence by law. A manager may make complaints of certain infractions of the letter of the law, and if the magistrate was to state this is no infraction of the law, he would then be stating what would probably encourage offences of the same kind. But he may consider it as an offence which, though an infraction of the law, ought not to have been brought before him; and therefore instead of sentencing the negro to give extra time to the estate, he is required by this instruction to impose a punishment that gives no benefit to the party that made the complaint. But it is impossible fairly to put a construction upon the clause, implying that the magistrates were to deal with unfounded complaints as if they were real and substantial complaints.

5644. Has any case occurred in which the magistrates have condemned the apprentices to the payment of more time than 15 hours a week?—No; they have condemned them to repay more than 15 hours; but in the apportionment of the time I do not think it is possible for a magistrate to have condemned a

Sir *G. Grey*, Bart.

30 July 1836.

negro to more than 15 hours in one week, he would be acting contrary to the Act of Parliament, and to his instructions; and I am not aware of any instance of it.

5645. Might it not be possible that there should be such an accumulation of fines of time as should absorb the whole time of the negro till the extinction of the apprenticeship?—It is possible that by repeated offences committed by the negro, he might be liable to a succession of punishments, which would absorb the whole of his time till the extinction of the apprenticeship; but I do not think that any such case, or any case approaching to it, has occurred; and I think that if it did occur the attention of the governor would be immediately directed to it.

5646. Mr. *Buxton.*] Does Lord Sligo receive returns of the hours of time forfeited in the same manner as he receives returns of the number of lashes inflicted?—He does. In No. 6 of the Instructions, he states, "Make a weekly return, as in Form (B.), stating the whole distance you travel each day, including back journies. Add up in complainant's column at the bottom, in red ink, the number of estates visited in that week; and in the complainant's column, at the bottom, also in red ink, the number of properties at which, during that week, no complaints on either side have been made. In this return you must mark all the occurrences of each day, noting Sunday, or any other day of rest as such, so that each day may be accounted for. Place under plaintiff's name his denomination, such as overseer, attorney, or apprentice, and under defendant's the same. Specify crime in complaint column. If the crime be negligence, specify what sort of negligence, and similarly of insolence, insubordination, neglect of duty, or any of those indefinite sort of charges, if made. In case of gangs being sentenced to repay time, the names need not be specified;" but the number of the gang would be specified. "But every individual who receives any punishment, excepting as aforesaid, where a whole gang are condemned indiscriminately to repayment of time, must be inserted. You will keep an accurate note of all the occurrences which take place on each estate in a book." In these returns, which they are required to make, they specify in each case the nature and amount of the punishment inflicted.

5647. Would there be any objection to place before this Committee an abstract or a summary of the amount of time forfeited by punishments in the same way as the number of corporal punishments?—None whatever, if we have the means of providing it. The returns before the Committee give the maximum punishment of all descriptions. In the returns which were required to be sent home, and which are transmitted monthly from all the colonies, the maximum amount of punishment of all descriptions is inserted.

5648. With reference to Vagrant Acts; have Vagrant Acts, imposing any restrictions upon the liberty of the negro, except during the times that they are employed in the service of their master, been allowed to pass?—I am only aware of one Vagrant Act that has been passed in Jamaica, and that Act has been disallowed.

5649. Has the Trespass Act in Jamaica been disallowed; the Act respecting gunpowder and fire-arms?—I do not think it has.

5650. Do you think that measures ought to be adopted in order to secure reciprocity of punishment as to offences committed by planters, as well as offences committed by negroes?—If the question means whether it would have been better that such a reciprocity had originally been included in the Act, I think it would have been desirable that such should have been the case; but if I am asked whether I think that measures ought now to be taken for altering the Act in that respect, I must answer that I do not think any case of necessity has been proved, which would render it expedient to require an alteration of the Act in that respect. I consider that such alterations ought to be required now as are proved to be necessary, and those only, and that those ought to be effected, if possible, through the Jamaica legislature; and that it is only in those cases in which the Jamaica legislature deliberately refuse to make such enactments as are considered by the government indispensable to the due performance of the compact which exists, that the interference of the British Parliament ought to be invoked. I think that having recourse to the British Parliament without such necessity would tend very much to interrupt the course of improvement which I have no doubt whatever is going on at present

present in Jamaica. I do not mean to imply that the interference of the British Parliament is not to be invoked where a case of necessity exists; on the contrary, I think it ought to be, but the necessity of the case ought to be undoubted.

5651. Do you think that it is desirable that we should sanction as few laws as possible which shall affect the condition of the negroes after the expiration of the apprenticeship, and in those cases in which it is necessary to legislate, that the greatest care should be taken that nothing repugnant or in any way opposed to the liberty which is enjoyed by the labourer in Great Britain, should be affixed to the negro?—I certainly think, generally speaking, that it is desirable that no laws should be passed now which are not to take effect till after the expiration of the apprenticeship: I do not think we are sufficiently informed at present of what the state of society will be then, to render it desirable that laws should now be passed with reference to that period. Some laws of course must be passed of a permanent character; but if they have reference chiefly to the state of society which may exist after 1840, I think it will be better to wait till the time arrives.

5652. *Chairman.*] You mean Bills of importance passed in the Assembly of Jamaica?—I mean Bills passed in the Assembly of Jamaica; because, looking at the change of feeling that has taken place in the last two years in Jamaica, and at the probability that a great change of circumstances and of feeling may take place before the apprenticeship expires, I think a very different law would probably be passed in 1839 from what would be passed in 1836; and there can be no necessity for passing in the year 1836 laws which are not to take effect till 1840. I think there is in progress a great amalgamation of conflicting feelings and opinions in Jamaica, and which, if it goes on, as I trust it will, will produce an increasingly improved spirit, a spirit more adapted to fair and equal legislation.

5653. Mr. *Buxton.*] You do not think that persons who have taken a deep interest with regard to the abolition of slavery have any reason for the alarm which they have felt, that restrictions will be imposed upon the negroes after the expiration of the apprenticeship different from those which exist with reference to labourers in England?—I cannot say that the same restrictions that exist with regard to labourers in England, will be applicable to labourers in Jamaica. A law which exists in one country may be inapplicable to another; but I think the same principle ought to govern the legislation in both cases.

5654. That the same degree of liberty ought to be secured to the negro as is enjoyed by the labourer in England?—I think the same principle ought to govern both; and that there ought to be no more restriction placed upon the liberty of the labouring class than the circumstances of the country require. I cannot say that the laws of England ought to be transferred to Jamaica, but the same principle ought to govern legislation in both cases.

5655. Is not the liberty of the British labourer to be transferred to the Jamaica negro?—Certainly in substance; but I do not see that it necessarily follows that the same precise rules would be applicable to the English labourer and to the Jamaica negro. I think the circumstances of difference that exist in the two countries may justify an alteration in the details of any measure; but I clearly think that no distinction ought to be made in the principle of legislation, and that no enactment ought to be introduced into a Jamaica Act which has reference to the past state of society in Jamaica, or has a tendency to perpetuate that. Supposing there are large tracts of unoccupied land in Jamaica, upon which the negro population might settle without any title to those lands, and merely maintain themselves in idleness, and become useless members of society; that is a circumstance which does not exist in England, and therefore a law might be necessary in Jamaica, though not in England, in order to prevent a result which would be very prejudicial to the negro himself, and to the interests of the community at large. I mention that only as one of the circumstances of difference which may render the legislation different.

5656. Do you think that any law should be allowed to pass which shall interfere with the freedom of labour in the West Indies, or which shall prevent the negro, who does not offend against the laws of society, from employing himself as he may consider most for his own advantage?—Clearly not.

5657. *Chairman.*] You think that the sole object of any laws and regulations

Sir *G. Grey*, Bart.

30 July 1836.

of that description should be to keep the peace and good order of society?—Precisely; it should affect all classes of the community equally.

5658. Mr. *Buxton.*] Have you received from the governors generally of each of the West India colonies a report that the negroes have been found willing to work for wages?—The general result of the information received from the governors of the different West India colonies, is that the negroes are willing to work for wages in their own time. In Jamaica no doubt can be entertained of the fact that they have proved themselves willing, in almost all cases, to work for wages in their own time; and the extracts I read yesterday from the report of one of the special magistrates, show that they do not object to any kind of labour, but that they prefer that which will produce the largest amount of remuneration. There have been numerous instances of their refusing to work for wages; but those occurred rather in the early period of the system, when they did not understand it so well as they do now; and the indisposition is fast wearing away.

5659. In those instances which did occur, was not it found by Lord Sligo that the fault was often more with the master than with the apprentice?—In many of the instances of a refusal to work for wages on the part of the apprentice, Lord Sligo's opinion was, that it was either owing to sufficient wages not having been offered, or to the want of conciliatory treatment on the part of the managers: and that circumstance has imposed an indirect check upon any misconduct on the part of the overseers and managers; because it is clearly their interest to obtain extra labour from their apprentices at fair wages; and the apprentices have it in their power to refuse to work for their employer, if they are not treated well in other respects; and they have exercised that power.

5660. Do not you think that the negro should be encouraged, rather than be deterred from becoming a proprietor, if he becomes a proprietor by honest means?—I would not deter him, to any extent, from becoming a proprietor, if he became a proprietor by honest means: on the contrary, I would encourage him. All I meant to express was, that I thought it might become necessary to impose some check, (I do not say by a vagrant law), to prevent what is called squatting, where no title is acquired to the land, but where, from the mere circumstance of its being unoccupied, a negro might settle himself and his family.

5661. Mr. *Gladstone.*] It still remains an independent question, whether it is desirable that the land should be cut up into extremely small portions, and held by proprietors of quarter acres, and half acres, and single acres?—The details of any measure for selling these lands are at present incomplete; and no law has been passed upon the subject as yet. Suppose a person as the proprietor of a number of acres in Jamaica, chooses to underlet it for a fair rent, I do not think it would be desirable to restrict by law the practice of making allotments to labourers, which they might cultivate for their own advantage, and which is a great assistance to them in maintaining themselves and their families, in addition to their daily labour. I think it would be extremely desirable that such should be the case.

5662. Do not you draw a considerable distinction between those allotments which are given as subsidiary to daily labour for wages, and those allotments which are held for the purpose of supporting the tenant; for example, in the case of the cottier system in Ireland?—I think a great distinction is to be drawn between those two cases, and that Ireland itself is a sufficient exemplification of the injury likely to arise even to the occupiers of land from that system. The great object ought to be to encourage free labour and industrious habits on the part of the negro population, and not to let them suppose that they cannot be free unless they are actually proprietors of the soil, maintaining themselves upon the small portion of land which would be sufficient for their subsistence without labouring for wages, and without improving their condition.

5663. Mr. *Buxton.*] Is not the Irish cottier a tenant rather than a proprietor?—The tenant is the proprietor to a certain extent; he has a limited interest in the land, instead of an absolute interest.

5664. You have stated that there were some instances in which the negroes had not been willing, in the earlier stages of the apprenticeship, to work for wages. Do you consider that those instances are more frequent than those

which would have occurred in an equal number of the population of this country?—I have no means of instituting that comparison. A great change had very recently taken place, and I do not think the system of working for wages was generally understood on either side. It was not understood by the managers in many instances; I think from the evidence of Mr. Shirley the other day, it is quite clear that by proper means being taken to explain to the negroes the condition and the terms upon which it was proposed to hire their labour, a great deal might have been done which was not done during the early period of the apprenticeship. There was a very desponding feeling on the part of many of the managers as to the success of the system; and they did not think it worth while to exert themselves as Mr. Shirley and many of the proprietors did. I have no doubt that where proper means are taken, the extra time of the negro may now be obtained universally for fair and adequate wages.

5665. Do you go so far as to think that the disposition of the negroes to work for wages has surpassed not only the low expectations of the planters, but the most sanguine expectations of the warmest friends of the negroes in this country?—I think it certainly has equalled the expectations of their sanguine friends. At the same time I believe that many persons entertained the opinion that they were susceptible of the same stimulus to labour as other people. I felt so myself from the little attention I had given to the subject. That opinion has been confirmed by experience. In fact, the motive which has been applied as the stimulus to free labour since the apprenticeship system came into operation, had not been tried before in those colonies. There was no good reason to apprehend that when fairly tried it would not succeed, and I think it has succeeded. Judging of the negro character by examples in the army and in the navy, and wherever the negro has been brought into contact with white men in places where slavery did not exist, I am not aware of any inferiority either in willingness to labour or in general efficiency.

5666. A Member of the House of Commons is reported to have used these words in a speech to the House, "You were led to expect that there would be a great diminution of sugar, and a mighty defalcation of revenue; no such consequence has followed. You were led to expect that the planters would be reduced to beggary; they are in a state of unrivalled prosperity. You were led to expect that the negro would not work for wages, but for wages he works day and night, and in an hour does double the work of former times. You were led to apprehend that servile war would ravage the land when the chains dropped off from the negro; we have had two years of profound and unprecedented tranquillity." Do you concur in, or do you dispute those propositions?—I concur in the main with them, after making allowance for a certain degree of hyperbole. I do not think, with reference to the present condition of the planters, that it is one of unrivalled prosperity. On the contrary, I have no doubt that their property was much more valuable 20 or 30 years ago than at present, but I believe that it is now improving, and that it has benefited by the stability which now belongs to West India property, as contrasted with the instability and insecurity that existed shortly before the emancipation. I have no doubt of that at all.

5667. Are you aware that the West India planters have almost annually, for the last 60 years, been representing to Parliament that they were in a state of the deepest and most ruinous distress?—I have no other means of information upon this point than any other Member of the Committee.

5668. Slavery will have expired on Monday next, for two years. Do you happen to know of any instance in which there has been an insurrection of the negroes during that time?—No instance of insurrection has occurred within that period. There were some instances of insubordination and of resistance to lawful authority just at the commencement of the apprenticeship in some of the colonies. Those arose I think from misapprehension of their condition, but nothing which could be termed insurrection, or anything like it, has since occurred.

5669. Do you think that the planters were ever in a state of such personal security in the West Indies during the same length of time as they have been during the period in which the apprenticeship has existed?—I am not sufficiently conversant with the state of the West Indies previously to the abolition

Sir *G. Grey*, Bart.

30 July 1836.

of slavery to give a very explicit answer to that question. I have of course had my attention closely directed to the working of the present system, and I believe that there is a feeling of perfect personal security existing throughout the West Indies. There are apprehensions no doubt entertained by many people that after the apprenticeship expires the sugar cultivation will not be carried on to the same extent to which it is now; but if the question refers to personal security, I do not believe there is the slightest apprehension entertained by anybody of any danger.

5670. In the two years which have elapsed since slavery has been abolished, how many instances have been reported to the Government of assaults made by negroes upon white persons?—I do not remember any instance which has been specifically reported to the Government. There may have been cases of trifling assaults; but I do not remember any assault of a sufficiently aggravated nature to have been made the subject of a report to the Government at home.

5671. Are you aware that one of the governors of a West India colony says, "I deem it my duty to remark to your Lordship that since the 1st of August there has not been an instance of a white man upon an estate being struck or ill-treated by a negro, nor has a single building or cane-field been maliciously set fire to?"—That passage occurs in a despatch from Sir Carmichael Smyth, the governor of British Guiana, of the 4th of March 1835. It will be found at page 173 of the second part of the Papers relative to the abolition of slavery, presented to the House of Commons in the course of last session.

5672. Is it your opinion that a plan somewhat similar to that adopted in the Australian colonies, with reference to the allocation of lands, should be established in the West Indies?—The best answer I can give to that question is by putting in a copy of a despatch upon this subject, recently addressed to the governors of the West India colonies. It is among the Parliamentary Papers.

5673. Sir *Stratford Canning*.] Do you attribute any part of the favourable circumstances which you have described as resulting from the emancipation to the present intermediate state of apprenticeship, or do you consider them as likely, from present circumstances, to be equally available under complete emancipation?—I think the intermediate state of apprenticeship, taking all circumstances into consideration, has conduced to the present favourable state of things in Jamaica; but I do not mean to imply by that that when the apprenticeship has expired things may not go on as favourably as at present. On the contrary, I think if the apprenticeship term is suffered to expire without interruption, if the negro mind is not influenced by the hope that the British Parliament will interfere to shorten the term of apprenticeship; and if, on the other hand, apprehensions are not excited in the minds of the planters that Parliament will interfere for that purpose, I think that there will be that general approximation to a state of freedom during the remainder of the apprenticeship, which will produce an almost insensible transition from the one state to the other. I do not mean to say that if the local legislature should be convinced of the expediency of shortening the term, there would be any objection to that; but I should think nothing so calculated to endanger the successful working of the system in the West Indies, as an interference at present on the part of the British Parliament, with a view to shorten the term of apprenticeship.

5674. Mr. *Buxton*.] What means have been taken in order to secure to the negroes those allowances which planters, for example Mr. Shand, have declared before Committees of the House of Commons, were invariably given to the negroes?—I have never read Mr. Shand's evidence before the Committee of the House of Commons, which sat several years ago, but I am aware that there are allowances which the negroes enjoyed during slavery, and which they were entitled to by law; and that there are what are called indulgences, which were generally given them, but which there was no legal obligation on the part of the proprietors to confer upon them. The Imperial Act for the Abolition of Slavery, according to my construction of it, required, in the 11th section, that the legal allowances should be continued. No express provision was made with respect to indulgences; but I believe the general practice has been, under the apprenticeship, that they have been given in addition to the allowances required by law. This has been subject, however, to certain exceptions, the

exceptions taking place, as might be expected, for the most part on the smaller properties, where the owners have less means of expending money upon their estates, and have been induced from economical motives to withhold the indulgences, or to obtain labour from the negroes in return for them. In the great majority of instances, I believe the indulgences to have been given just as they were, previously to the alteration of the system; but upon this subject my information is derived from the reports of the special magistrates, which reports either have been or will be laid before Parliament; and I have no means of information except what are derived from those reports, and from the evidence which has been given before this Committee.

5675. *Chairman.*] Are you aware whether the practice which was described by Mr. Shirley as having been adopted upon his estate, of withholding those indulgences, but of giving compensation to the negro for the withdrawal of them, by increasing the rate of wages beyond that which is usually given, has been adopted at all generally in the island of Jamaica?—I am not able to answer that question. It is possible that on referring to all the reports which have been received from the special magistrates, which are very voluminous, instances may be stated by them of that practice; but I do not recollect them at the present moment.

5676. Does that practice appear to you to have been a harsh or injudicious one?—On the contrary, I think it appears to have been a very judicious one; and the negroes in that instance seem, from Mr. Shirley's evidence, to have fully concurred in it, and to have continued satisfied with the arrangement into which they originally entered.

5677. Does not it appear to you to have been an unfortunate thing, with reference to the contentment of the negro population, that the indulgences which had been usually given during the existence of slavery, should in any cases have been withdrawn, except upon the misconduct of the negroes themselves, or without some compensation being given to them for such withdrawal, by an increased rate of wages?—I think it very injudicious, and in the instances in which it has occurred, which appear from all the information I possess to be exceptions to the general practice, the inconvenience arising from the dissatisfaction evinced by the negroes, will probably be considerable. In fact I think that any system which would tend to produce just dissatisfaction in the minds of the negroes at present, would very materially affect the interests of the proprietors.

5678. Do you think that this practice has only been resorted to in the case of distressed proprietors?—My present impression, as derived from what I recollect of the reports of the special magistrates, is that the indulgences have been withheld on small properties only: and I should rather infer that it has been from the comparative inability of the proprietors to incur the same expenditure that the large proprietors can incur.

5679. Do you believe that in point of fact there are many negro apprentices at this moment that are deprived of their indulgences from the cause you have mentioned?—I have no means of forming any correct estimate of that; but I should think that the general practice is to give them their indulgences as they received them while they were slaves; and I think it will be found almost universal upon the larger properties.

5680. Mr. *Buxton.*] Supposing that all the planters who were examined formerly concurred in declaring that those allowances were invariably given, is it not a fair inference that those were within the contemplation of Parliament when they determined that the negroes were to retain the same allowances as before slavery expired?—I do not think I should admit that inference, unless the evidence to which the question refers had been specifically under the consideration of Parliament at the time when the clause in the Act relating to allowances was passed. My own impression is that the term "law," used in the clause of the Act to which I have referred, means a written statute, and not usage.

5681. Supposing the Committee that sat immediately preceding the abolition of slavery had this subject clearly brought before them, and that that Committee were told repeatedly by planters and witnesses from the West Indies that those allowances were invariably given, do not you think it might then be considered fairly within the contemplation of Parliament that all the allow-

Sir *G. Grey*, Bart.

30 July 1836.

ances given before were to be retained?—I think it is very difficult to state what was within the contemplation of Parliament with reference to that particular clause, except from the terms of the clause itself. The only other mode would be to ascertain what was the intention of the framer of the Bill as explained by him to Parliament in introducing the measure. I do not recollect at this moment any discussion during the progress of the Bill through Parliament on this point; such discussion may have taken place, but I do not remember it. Looking merely at the terms of the Act of Parliament, my own construction, irrespective of the circumstances to which the question adverts, would be that indulgences, resting only on usage as distinguished from allowances required by statute, were not included in the term "law," used in the clause of the Act.

Copies of two letters from the Rev. Mr. Trew have been placed in my hands; he has recently gone to Jamaica for the purpose of superintending the system of instruction which the trustees of the Mico Charity propose to carry into effect in that colony. He was well conversant with the state of the West Indies before, having resided in Jamaica for a considerable period during the existence of slavery, and is therefore competent to form a fair comparison between the present system and the system of slavery as it then existed. These letters are addressed to a Member of the Committee, who is one of the trustees of the Mico Charity, and I have his permission to lay them before the Committee. One is dated "Kingston, Jamaica, 31st December 1835;" and it runs in these words: "My dear Sir; Knowing that you will be anxious to have a few lines, I beg to trespass on your attention for a little, after having finished my despatch to the trustees. It is quite impossible for me to convey to you an idea of the improvement I witness in the altered circumstances of this country since I was here, scarcely eight years ago. The first pleasing change which attracted my attention was the breaking down of caste. In the same pew I have seen persons of every grade, and at the same Sacramental table persons of all colour. On visiting Spanish Town I was introduced to three members of assembly, Messrs. Jordan, Osborn and Taylor, all of colour, one of them exceedingly dark indeed; and I think I may say that the Sabbath in Kingston is as well, if not more strictly observed than in many parts of England. Then again, instead of the whip in the hands of the driver, to witness in some places the negro constable, with his blue jacket and red facings, superintending the labourers, and the cheerful 'How d'ye, massa,' of the people, now unmingled with the painful association of former days, is to my ears the sweetest music I ever heard. In talking with some of the planters also, how changed is the tone. I have heard of several properties where the services of the stipendiary magistrate have never been known; and of others who have taken off larger crops than under the old system. Altogether you, my dear Sir, and those who were associated with you, have reason to bless God to the end of your existence; for had I a thousand hearts to feel, and a thousand pens to indite, it were impossible to convey an idea of the mighty benefits which, under God, have been effected for this poor people. I am thankful to say, 'the Mico men,' as the editor of the *Dispatch* calls them, are giving me much satisfaction; and I trust ere long you will hear pleasing results from their labours.

"*J. M. Trew.*"

The other is dated, "Jamaica, 16 May 1836.

"My dear Sir,—Your kind letter of the 14th March did not reach me with that of the Trustees of a similar date, but it had all the effect you desired it should have, that of encouraging me in a work which is confessedly against wind and tide; a work, however, which God has blessed, and I trust will bless to many a weary soul. You will learn from my despatch to the Trustees, in reply to theirs just alluded to, that I instantly abandoned the plan of Schools of Industry. I am now going forward in the work of imparting Scriptural knowledge and right principles as deduced therefrom, looking for the blessing of our Heavenly Father.

"When I considered it my duty to state my fears as to the unwillingness of the free children to labour, it was not with the view of throwing a stigma upon the negro population. I trust I have felt for them too deeply, even by way of inference, to aim at establishing this point. I have no fears for the industry

of

of the great bulk of the population, they will work, and work cleverly; but my fears were, and pardon me if I say they are even yet in a small degree, that in the pride of his heart, the adult negro will not readily subject his liberty-born son to handle the hoe as he was wont to do. Where Christianity has triumphed, my fears are groundless I admit, to the fullest extent; but where the darkness of Heathenism still broods over the mind, there will be jealousies and suspicions in the anticipation of evils that do not exist; and the long night of slavery will be remembered by the parent, when its last link shall have been severed for ever, and to the last hour of his existence. Unless the rays of Gospel light have penetrated his soul he will stand in doubt of every change, and watch every movement of the white man, with the eye of one whose mental vision had been all but obscured by contact with it. I have already said that the negro will work. To prove it, I may add, that this very morning I heard the sound of the woodman's axe falling in measured time to a native air, sung by a numerous body of them, who were hired by their master to clear a patch of woodland *in their own time.* On inquiring as to the terms of the contract, I was informed that they were to receive at the rate of seven dollars per acre (a dollar is 4*s.* sterling), and that they very generally were able, and did clear at the rate of about one acre per diem to every five labourers, thus earning each individual about 9*s.* 4*d.* currency or 5*s.* 6*d.* sterling daily. Yet this rate of wages, exorbitant as it may appear, the planter finds it his interest in giving to the negro, rather than allow him to do the same work in the planter's own time; although the average rate of such labourer would not exceed from 2*s.* 6*d.* to 3*s.* 4*d.* currency, or from 1*s.* 6*d.* to 2*s.* sterling per day. Of this there can be no doubt that when the negro has a motive to labour he does better work, and more of it. Hence it often happens that when task-work is given them they are able to accomplish their portion a short time after noon; and you may, in passing along the road, at once form a pretty correct estimate as to whether the people are working by task-work or otherwise. On this head I might write largely, but it may be resolved amongst other reasons, into the love of money, which all must acknowledge the negro, in common with other men, is not indifferent to. If, however, the adult negro loves money, let it not be concealed that he loves also to procure with it wherewithall to satisfy the cravings of an immortal soul—the Word of life. This fact I learned during my late visit to Montego Bay, and on the spot, that the Rev. Mr. Blyth's congregation have within a few months subscribed 70*l.* currency for copies of the Word of God. These subscriptions are almost exclusively from apprentices. In Mr. Stainsby's church at Lucea, I saw the father and son standing side-by-side in the same class and reading out of the same blessed book. In our Mico Institution for Middlesex, there are women who came night after night, with their infants on their backs, in all kinds of weather, to receive religious instruction; and there, also, there are little children who one month ago knew not a letter, and are now in the first class book.

"You ask my opinion as to whether the system is liable to any particular abuse; I am not in possession of any facts on this head. But there is one thing which appears hard; I mean the manner in which apprentices who may wish to purchase their freedom are valued. Some weeks ago I wished to redeem a very fine young man as a teacher for the charity. I carefully instructed the young man to proceed in the matter as though it were his own act, desiring him not to intimate who were to be the purchasers, fearing that too great a price might be affixed to him; I am not aware that he was asked any questions; however, he was valued at the amazing price of 130*l.* currency. He was a carpenter, but not efficient by any means. The sum was so great that the poor fellow went back to his work, saying he would not allow me to pay so much. I did not interfere, for it could not have served the lad. The stipendiary magistrate is a mere boy; not by any means so advanced in life, to appearance, as your son. I believe he is a well-disposed person, but not qualified for such a work as this. The apprentice, in purchasing his freedom, should find in the magistrate a protector. He has no option of selecting one valuator; I believe the magistrate calls in the aid of another magistrate, and so the matter is settled. I have not met with many of the stipendiary magistrates, but I certainly am not prepared to pronounce the selection a good one. I believe there are some valuable men, as Mr. Daughtrey; but if I am to judge of them by their returns to Lord Sligo of the number of lashes inflicted in their several

Sir *G. Grey*, Bart.

30 July 1836.

districts for the month of March, I would not be prepared to form a favourable estimate. If you are not in possession of this document, it might be an interesting one to have, namely, the return of punishments awarded by the several stipendiary magistrates of Jamaica from —— to ——, detailing the number of estates visited, complaints, stripes, and other punishments, &c. I should greatly like so see more authority, if more could be procured for him, in Mr. Daughtrey's hands. In the list to which I have referred, whilst some magistrates had administered 400 and 500, and more lashes, during the month, he had *not one* in his large district. Indeed he told me himself that for three months he had not had occasion to punish but by a little forfeiture of time, or some such remedy.

" With respect to the final freedom of 1840, and what measures may be desirable to guard against its abuse, &c., I will endeavour well to consider this point, as it is very important; strange to say that our Assembly have yet taken no measures as to its permanent well-doing.

" Before, however, I part with the subject of the stipendiary magistrates, there is one appalling fact which I would wish to mention, namely, that very many of them are Irishmen (no reproach I hope from a countryman), but Irish Roman Catholics.

"Now, my dear Sir, knowing what your political sentiments in these matters are, yet I cannot help honestly saying that many better friends to the liberty and to the best interests of the negro might be found than in such men. I would not object to individuals being selected from the body; but when our Governor, as the papers say, subscribes 100 *l.* to a Roman Catholic Chapel; when his son lays the foundation-stone of that chapel; when amongst the executive of the land there is an increasing leaven of this intolerant Church; I do say that the dissemination of Divine truth amongst the negroes, must be more or less marred by introducing amongst them a body of men whose principles are opposed to, and whose spirit is opposed to the mild and generous, and social dispensation of the Gospel. Greatly would I desire you should lend your valuable aid to the selection of a better class of magistrates, which I think might in a great measure be effected by your friends in power, who really desire effectually to serve the best interests of the negro, recommending such individuals to the Government *at home*, and thus preventing the government *here* from marring this part of their benevolent arrangement. But on this point I need not enlarge at present.

" The detail of our proceedings you will learn by my public despatch to the Trustees. In testimony, however, of the rising promise of the negro, a fact has come to my knowledge, so deeply interesting that I cannot avoid, even though I trespass somewhat on your time, mentioning it to you.

" Previously to the rebellion in this country, a slave on a certain property had suffered, for conscience sake, the most bitter persecution from his master. He was almost the only negro who in those days, on that particular estate, had sufficient moral courage to hold fast his integrity under the most trying circumstances. He was a tradesman, yet turned into the fields to dig cane-holes. He was flogged, imprisoned, and, as the day-star of freedom arose, he was (in order to his being effectually crushed and destroyed,) sent to labour in the pestilential atmosphere of a swamp, where disease soon overtook him, and threatened him with a speedy release from all his sorrows. There was in the neighbourhood of this poor man, however, a Christian family, to whom the sufferer's case was well known. To this house he had often gone for counsel and for comfort, and many a time the heart which came bursting in agony, went on its homeward way rejoicing. After a time the sufferer was missed in his usual visits, and then it was discovered that, in addition to his other persecutions, he had been sent from the estate to labour in the swamp, where he was then suffering under heavy disease. There he had none to sympathize with him; no medicine, no nourishment was afforded him; the design of his cruel master seemed almost consummated. But God was with him. The good Samaritans followed him to his exile, and there, secretly and unkown to his master, poured in oil and wine, and enjoyed in due time the happiness of finding the object of their compassion completely restored.

" Shortly after this the rebellion broke out, and in that part of the island it assumed a very awful aspect; many of the estates were fired, the families had fled, and the utmost consternation prevailed. It became necessary that this

Christian

Christian family also should look for a place of safety, and it was resolved that on the following morning they should remove to the sea-coast. On the night before their intended departure they had assembled to family prayer as usual; very many of the negroes, and several strangers who had been accustomed to avail themselves of this privilege were present. The head of the family addressed them at length; spoke of the darkness of the times, and of the heavy clouds which at that moment appeared to be suspended over them. He gave them much Christian counsel; and, not knowing whether they should ever meet again, he encouraged them to a steady trust in the Lord. The meeting was deeply affecting; all seemed to feel as though they should never meet again; but just as they were ready to separate, a voice from the assembly gave out the following lines, and immediately raising an appropriate tune, was joined by the whole assembly in singing them:

'Warrior on thy station stand,
Faithful to thy Saviour's call,
With the shield of faith in hand,
Fearless, let what may befall.
Nothing fill thee with dismay,
Hunger, toil, or length of way;
In the strength of Jesus boast,
Never, never quit thy post.'

It was the persecuted negro; the succoured by this Christian family, who seemed, as it were, at this crisis of his deliverer's fears, sent as a 'ministering spirit' amongst them. The effect was magical. The family resolved with such betokening assurances of deliverance never to quit their post; they remained; their property was safe; and their influence gained for others that protection which they had otherwise lost. But mark the sequel. Emancipation took place; our persecuted friend, by the assistance of his patron, purchased his freedom; he is now his overseer, and has the entire charge of a sugar estate, goes on consistently and satisfactorily; has purchased for himself a house and 70 acres of land; and in the house of this once persecuted individual I had the privilege of meeting him with others of his neighbours, who liberally contributed towards the establishment of a Mico School.

"I have now, I fear, wearied your patience; I could not, however, resist giving you the above sketch of a story which has left an indelible impression on my mind, as I know all the parties, and cannot express to you the delight with which I pressed the hand of this once persecuted Christian, nor the feelings with which I took from him a glass of new sugar and water, the sugar of which was manufactured under his entire management and direction.

"I beg to express my best thanks for your good wishes as it regards my health; I mentioned to the Trustees my fears on this subject; I certainly do not feel equal to undergoing in future what I have done, and were I to consult my feelings, I would not wish to remain here over the fall; I shall therefore feel thankful to be recalled as soon as they can. I shall feel happy in forwarding their views to the utmost of my power under any circumstances, but having a very numerous family, you will readily conceive the anxiety of Mrs. Trew, as well as my own, to use all legitimate means of preserving what to them is of importance.

"With an assurance of gratitude for all your kindness, believe me, &c. &c.

(signed) "*J. M. Trew.*"

Martis, 2° die Augusti, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Mr. Thornely.
Mr. Fowell Buxton.	Sir George Grey.
Mr. William Gladstone.	Mr. Baines.
Mr. Charles Lushington.	

MR. LABOUCHERE, IN THE CHAIR.

Charles Brown, Esq., called in; and Examined.

C. Brown, Esq.

2 August 1836.

5682. Mr. *Buxton.*] WHEN did you first go to Jamaica?—I was appointed a special magistrate on the 4th of September 1833, by Lord Stanley, and I sailed on the 6th of October following. I was among the first that arrived in the island.

5683. Mr. *Thornely.*] When did you undertake your duties as stipendiary magistrate?—I was upon pay from the time of my arrival, and I was located in the parish of Vere and of Clarendon in the early part of May 1834, to the best of my recollection.

5684. Mr. *Buxton.*] In what district were you placed?—In the parish of Vere, and for some time I officiated for Lower Clarendon, where there are about 3,000 or 4,000 additional apprentices. The duties I then discharged occupy now two or three magistrates in fulfilling them.

5685. When did you resign your situation?—On the 31st of December 1834.

5686. Mr. *Thornely.*] Did you leave the island soon after resigning your situation?—No; I remained in the city of Kingston till April 1835; I was attending the dying bed of a son. I acted in the capacity of magistrate for one year, one month and thirteen days.

5687. Mr. *Buxton.*] During that time did you observe whether there was a disposition upon the part of the negroes to work for wages?—In all my district I was not aware of any estate but one where the negroes refused to work for wages. Upon one estate they refused in my presence; but I can give sufficient reasons how they did refuse. It was the negroes' planting time, and they were planting their own provision-grounds, and their time was valuable to them; and although they refused in my presence, I understood that they agreed afterwards to work for wages. I am not aware of any refusing to work for hire but upon that one estate.

5688. Then they refused to work because they found they could employ their time more profitably?—At that time; but afterwards they agreed to work for wages, and part of them did work for wages, to my knowledge.

5689. Did the negroes receive the same allowances upon the estates under your jurisdiction which they had been in the habit of receiving before slavery was abolished?—No, they did not; they cut off the "indulgences," as they call them. The only things they received were their grounds and their clothing; the herrings, and shads, and corn, and all those things, were withheld.

5690. Was medical attendance amongst the allowances?—Medical attendance was continued.

5691. Do you mean to say that the indulgences were stopped upon some one or two estates, or that they were generally stopped throughout the whole of your district?—They were generally stopped. There were some few proprietors did allow them, but they allowed them as "indulgences," and, as they said, for good conduct; but in general they stopped them.

5692. Mr. *Gladstone.*] Did those that withheld them allege that they withheld them on account of what they considered not good conduct?—They alleged that in part; but they said they were "indulgences," not "allowances," but the people all declared them to be their usual comforts and allowances.

5693. Did they profess to be willing to give them in case the people were willing to work for hire?—The people were willing to work for hire, and on some few estates they were giving them those few "indulgences," as they termed them, in the room of hire.

5694. Did they profess generally to be willing to give the indulgences if they could get the negroes to work for them during their own time?—I believe they did, if the negroes would work for the allowances out of their own time; but I considered, according to law, that the apprentice had a right to those allowances, or indulgences as they were called.

5695. Did

5695. Did they express an apprehension that with the reduced time of labour under the apprenticeship they would not be able to afford the indulgences?—They often spoke of their not being able to afford those "indulgences."

5696. Were you of opinion that the indulgences were legally exigible from the managers and planters as well as the allowances?—As the law states that all the usual allowances are to be given, I was of that opinion.

5697. In what sense did you administer that portion of the law?—The law was considered rather defective and ambiguous; and therefore I endeavoured to get them, if possible, to allow them; but if they would not allow them, I had no express law by which I could compel them to do it.

5698. Sir *George Grey.*] How long did you act as a magistrate?—I resigned on the 31st of December 1834.

5699. When was your resignation sent in?—My resignation was sent in December.

5700. Mr. *Thornely.*] Then you were five months a magistrate during the apprenticeship system?—I was.

5701. Sir *George Grey.*] Were you acting during the whole of that period?—I was.

5702. Mr. *Buxton.*] Was fish or salt considered as an allowance or an indulgence; that is, was it continued or withdrawn?—I considered them a regular allowance that the people were usually in the habit of getting; and the people made many complaints when they were taken away from them.

5703. Sir *George Grey.*] Did you consider those articles which have been mentioned to be allowances or indulgences?—I considered them to be allowances, as I knew for many years previous to that time they were always allowed. Herrings, shads or salt fish were sent to every estate as allowances.

5704. Mr. *Buxton.*] You have stated that, on the part of the negroes, there was every inclination to work for wages. Was there a disposition upon the part of the planters, and upon the part of the agents of the planters, to meet the wishes of the British Government, and to render all the aid they could to make the system work well?—No, they were hostile to the system during all the time that I was there.

5705. Did you observe any particular proofs of an inclination upon the part of the planters to resist the new system?—In many cases they could not exactly resist the law; but they were quite hostile to the law.

5706. Mr. *Gladstone.*] Do you mean to apply that to the community generally?—Generally.

5707. Did you perceive any symptoms of mitigation in that hostility before you left the island?—No, I did not perceive any.

5708. When did you leave Jamaica?—On the 8th of April 1835.

5709. From the 31st of December to the 8th of April where did you reside?—In Kingston.

5710. Then you were not conversant with the practice on the sugar estates during that period?—No; I left the sugar estates on the 31st of December.

5711. Mr. *Buxton.*] Did you observe whether the planters were willing to give adequate wages for the extra labour of the negroes?—They professed to be willing to give wages; and in a few instances where they were employed during crop-time, I understood them to give at the rate of 1 *s.* sterling a day; it was supposed that that would be pretty general throughout the island; 1*s.* 8*d.* currency.

5712. Do you know what were the wages given for the labour of jobbing slaves per day in former times?—In former times they used to give four bets a day which was then equal to 2*s.* sterling.

5713. What is the price now given for the labour of jobbing apprentices?—I am not aware of that, not having any jobbers in the district I resided in.

5714. Were the punishments inflicted in your district very numerous during your stay?—They were not very numerous. I think the punishments during my time inflicted by me would not be upwards of 100 at the most; that is considering all kinds of punishment; but there were very many complaints that I reconciled and got the negroes to return peaceably to their duty without the necessity of inflicting punishment.

5715. Did it come to your knowledge that there were any cases in which females were flogged?—There were none flogged in my district.

5716. Do you happen to know whether any were flogged in the workhouses in your district?—In the workhouse of my district no female was flogged, to my knowledge.

C. Brown, Esq.

2 August 1836.

5717. Had you ready access to the workhouse?—Yes; I was a local magistrate as well as a stipendiary; I visited the workhouse frequently.

5718. Were females worked in the penal gangs in chains?—Yes. In the time of slavery we did not work free people in chains, and I did not feel myself justified in allowing it till I found it was permitted by the governor; and in the workhouses now all the apprentices are worked in chains, both in the workhouses and in the penal gangs upon the estates.

5719. Sir *George Grey*.] Were free people put into the workhouses at all?—Yes, they were, under the Vagrant Act, sailors, free black people, and people of colour.

5720. Mr. *Buxton*.] You did not feel justified in allowing negroes to be worked in chains?—No; till I received instructions from his excellency, and till I found that they were doing so in Spanish Town, where the governor resides; the chief magistrate of my own district satisfied me that that was the case before I allowed it.

5721. Were any indulgences in point of time allowed to pregnant females?—That was a cause of much trouble to me, having no particular law upon the subject. In the time of slavery they were indulged, but they wanted to take away that indulgence from them. In several cases in which I interfered on behalf of pregnant women, their owners went and complained to his excellency that I had done so: in several cases I was threatened with actions for damages.

5722. Sir *George Grey*.] Were any such actions brought against you?—Not brought, but I was threatened with them.

5723. By whom?—By the planters.

5724. Mr. *Buxton*.] Were the mothers of six or more children exempted from labour upon the estates?—In former times; but they would not grant it during my time; they wanted to do it away.

5725. Mr. *Gladstone*.] Was that universally the case?—In my district they took away all the cooks, they took away all the midwives, and they took away all the water-carriers, till some of them relented, and appointed them back again; but they made them understand that that was an indulgence that they had no right to.

5726. Was that reappointment general?—The midwives were sent to the field, but the water-carriers they could not do without.

5727. Was it generally the case before you gave up your situation of stipendiary magistrate that those persons who had been accustomed to do offices for the comfort of the slaves were reappointed to those offices?—They were not generally reappointed.

5728. Sir *George Grey*.] How many estates were under your care?—About 36 estates in Vere, and in Clarendon, where I acted for some considerable time (about three months or three months and a half), I think there are about 18 estates.

5729. How long did you act in Vere after the 1st of August?—Five months after the 1st of August.

5730. And three of the months in Clarendon also?—To the best of my recollection, for about three months.

5731. Had you any means of personal observation in other parts of the island and upon other estates during that time?—No, I think not.

5732. Then your observation is founded upon your own experience during those five months in your own district?—Yes.

5733. When you speak of a thing occurring generally, you mean generally throughout your own district?—I cannot speak positively beyond my own district, except what I might hear by report or seeing the public prints; I speak of what occurred in my own district under my own observation.

5734. What was the whole number of special magistrates in the island at that time?—There were not above 30 at first; but the number was gradually increased to nearly 60. I performed the duty alone, where I believe there are two or three employed now.

5735. Mr. *Buxton*.] Do you know any instance of oppressive treatment of females in the field?—There were a number of complaints made, but they were generally redressed and settled.

5736. Upon the estates generally over which you had control, what was the distance of the provision-grounds from the estates?—They were very various; some of them might be from half a mile to three or four miles; there were very few of them further, in my opinion. In that district the negro grounds are close adjoining generally upon the estate; it is a low-lying parish.

5737. What is the distance of the estates from the markets in general?—The nearest

nearest market from the centre of the parish is Cross Pass, which I believe is from nine to twelve miles distant, and Old Harbour, from fifteen to twenty miles.

5738. Was the eight-hour system or the nine-hour system in operation in general?—Both were in operation during my time.

5739. Did you as a special magistrate find yourself sufficiently protected from the enmity of the planters?—I regret to say that I was not sufficiently protected.

5740. Sir *George Grey*.] In what instances did you experience want of protection, and what was the nature of the protection which you think the law ought to have given?—In the first place, my summonses were not paid respect to in the place. The law says that the summonses shall be all served by the parochial constable; the parochial constable, though ordered by the chief magistrate to attend my court, was very negligent in doing so. In some cases, after making out summonses to summon people, I had considerable difficulty in getting them served.

5741. Do you give that as an instance of want of protection against the enmity of the planters, the indisposition of the constable to serve the summonses?—I cannot say what it was owing to. I should think if they had orders they would attend and serve the summonses.

5742. When you speak of enmity, do you mean enmity against yourself individually, or enmity against the system?—I think the enmity was against the system; as to myself personally, I must say, I received a great deal of kindness from the planters; but their enmity to the system interfered with my official capacity.

5743. Was not there a paid police?—Yes; they attended my court, but the law says, "That the summonses shall be served by the parochial constables."

5744. Is there any other instance of want of sufficient protection?—On visiting one estate I was accosted by a gentleman connected with another estate, which I had occasion to visit in my official capacity, who came up to me very abruptly, and said, "I understand you sent home from the field three apprentice women on account of their being pregnant, belonging to a certain estate, and I am the medical man of that estate, and you ought to have consulted me." I replied, that I was not aware that he was the medical man of the estate, and I did not think it was my duty to consult a medical man. I saw the women upon the estate, who had every appearance of being near their time of confinement, one within one month, another within two months. But this gentleman did everything but assault me; he did everything he could to provoke a breach of the peace. I called upon two of the constables upon the estate to protect me from his violence; and after that I remained like a prisoner in the house for some time, with the constables at the door. The overseer of the estate came in and ordered the constables to their work; he refused me any protection, asserting that nobody had sent for me there; he went away, taking with him two white men whom I had called to witness the attack which I expected to be made by the person in the room; and I believe when he was left in the room with me, it was on purpose that he might assault me; but I got up in a corner of the room, and told him I would represent the case to the governor, so he had better take care what he was about. I did represent the case to the govenor. The governor desired another magistrate to come to the Alley to investigate the case. At the time that I was going to issue summonses to have the case investigated, the other magistrate was removed to another part of the island; so that I was unable to hold the court, and the business passed off. I received many other annoyances in the discharge of my duty in my official capacity from a number of gentlemen; but the principal trouble that I got was in attending the House of Assembly. I was summoned first of all to attend a committee of the House of Assembly in Jamaica, as to the working of the new system. I got that summons, and accordingly went to the chairman of the committee in Spanish Town, and he told me I had been summoned to the committee, but that I had been handed over to another sub-committee, which was appointed to investigate into my conduct, and into the conduct of some of the other stipendiary magistrates. Myself and three or four other stipendiary magistrates attended that committee. I applied to the attorney-general to know whether I was legally obliged to attend that committee, for a number of gentlemen upon that committee were the very gentlemen with respect to whom I had had complaints from their apprentices about severity and maltreatment; and he told me that I had better go to the governor. I applied to his excellency; I asked whether I would be obliged to attend that committee; he at once said, that we should not only attend, but bring our books with us; that the more our conduct was investigated into, he thought it would appear the more straightforward and honourable; and he would

C. Brown, Esq.

2 August 1836.

would recommend us to attend. I accordingly attended, and waited in Spanish Town 14 days, during which time I was put off from day to day, and I demanded a copy of the charges against me, or what the investigation was to depend upon, but which I did not get, and I was dismissed without a single question being asked; after keeping myself and my horses and servants in Spanish Town about 14 days I was dismissed without a single question being asked.

5745. This was, in fact, an examination conducted by a committee of the House of Assembly in Jamaica into the working of the new system?—No; that was the first summons, but then they handed us over to a sub-committee appointed to inquire into the conduct of the magistrates. When I went to his excellency he appeared not to be aware that there was such a committee.

5746. But you, in obedience to the committee, did attend, and were not examined beyond two or three questions?—I had a number of questions in writing handed me by the chairman, on my insisting, by advice of the attorney-general, on having them, in order that I might have the legal time to prepare my answers. These questions I showed to his excellency, who threw them down as unworthy of notice. I told the chairman I would summon the whole parish if they had any charge against me. At last, after debating in the committee, the chairman told me that I might depart. It cost me upwards of 50*l.* I applied to the governor to see if I would be allowed any remuneration; the governor told me they would pay me. Another magistrate had petitioned the House before me. I said I would wait to see the result of his petition. I understand there is a standing order in the House, that if any money petition comes in a member may object to its being read.

5747. Did you apply to the committee for your expenses?—I did.

5748. Did you apply in writing?—I did.

5749. Did you apply to the chairman of the committee personally for your expenses for attending that committee as a witness?—Personally.

5750. What answer did you receive?—That I should be allowed none.

5751. Do you know whether there is any general rule in Jamaica as to the expenses of witnesses that attend committees of the House?—I cannot say that I am well acquainted with the rules of committees; I have understood, that it was the rule, if witnesses were put to expense, they would be reimbursed. The governor thought it would be allowed. He said, they will pay you.

5752. Mr. *Buxton.*] Are there any other instances in which you found that you had not adequate protection in the discharge of your duty?—I had a number of complaints made to me, or rather warnings given to me, by several of the apprentices, that I would not be long in that district; and the white people were hostile to me, only owing to my official capacity, for they could have had no personal hostility; quite the reverse. Indeed they told me that they were hostile to the measure, and that they considered the measure would ruin them, and that it was their interest to be hostile to it.

5753. Sir *George Grey.*] Who told you this?—A number of the planters. I may also state, for the information of the committee, that in the district in which I resided there is scarcely a single proprietor residing. They are all agents and overseers and attorneys. There are not above two or three proprietors of any extent in the whole district.

5754. Mr. *Buxton.*] Have the overseers and attorneys an interest distinct from that of the proprietor of the estate with reference to the working of the system?—They are afraid that the system will be the ruin of their situations.

5755. Sir *George Grey.*] You judged that they took that view of it during your experience of the first five months of the apprenticeship?—Yes.

5756. Have you any means of knowing the view they take of it now in the month of June 1836?—I have no further means than the public prints, from which I judge that they continue to go on in the same way against the system.

5757. Do you infer, from the means of information you possess, that no change has taken place in the feeling of the managers and proprietors in Jamaica, and that the same feeling exists in the same degree against the new system which did exist during the first months of the apprenticeship?—I believe it exists still. I could not exactly say as to the same degree; but from all I can hear, I believe there is not much difference.

5758. Have you any means of information but the public press?—And correspondence.

5759. And the inference you draw is, that things are not at all better than during

during the first five months of the apprenticeship?—That is my view; that the people are still hostile to it.

5760. Do you think that any improvement has taken place in the working of the apprenticeship system since the first five months of the apprenticeship?—From all that I can learn and hear, I think the same feeling exists.

5761. The same feeling of hostility to the new system?—Yes.

5762. Mr. *Buxton.*] Did any other of the magistrates in the neighbourhood of the place where you were located go on upon more amicable terms with the planters?—There were some of the magistrates, respecting whom several of the planters mentioned to me that they were getting on very well; and several of the magistrates have been complimented with services of plate and gold boxes, and things of that kind.

5763. Sir *George Grey.*] Will you mention the names of the magistrates who during the period you were in Jamaica were complimented with services of plate, and gold snuff-boxes?—I believe it appears in the public prints; I take this all from the public papers.

5764. There were but about 30 magistrates in the island at that time. Out of the 30 magistrates who were there in your time, can you state the names of those who were complimented with services of plate and gold snuff-boxes?—They were notorious in the papers.

5765. Can you state the names of any of them?—It was in the Kingston public papers, and committees were appointed to wait upon the gentlemen, and a service of plate was delivered lately to Colonel Colebrook in the Bahamas.

5766. Do you know what Colonel Colebrook is in the Bahamas?—He is the governor there, but he got it in consequence of his connexion by marriage. The cup was for Lieutenant Colebrook, and he died, and when the cup came out it was sent to the Bahamas to his brother-in-law.

5767. Do you give this instance as a proof of the truth of your assertion, that several of the magistrates while you were in Jamaica were complimented with services of plate and gold snuff-boxes?—They were in all the public papers.

5768. Your only information is from the public papers?—It was notorious.

5769. Has this information in the public papers met your eye since you left Jamaica or before?—Since I came home about the plate; but there was a gold snuff-box subscribed to for a magistrate while I was there.

5770. Can you mention any other instance while you were there?—I am not aware of any but those two.

5771. Mr. *Buxton.*] Have you any objection to state the names of the persons to whom a gold snuff-box was given while you were there?—I think it was to Capt. Dillon, a special magistrate, and there was a service of plate presented also to Lieut. White, in London here.

5772. *Chairman.*] Was Lieut. White a special magistrate at the time when the service of plate was presented to him in London?—He was dismissed at the time.

5773. Mr. *Buxton.*] Do you believe that service of plate was given to Lieut. White in consequence of the way in which he had performed his duty as a special magistrate?—I have no doubt of that, judging from what I read in the public prints.

5774. Upon the whole, then, are the Committee to understand that you did not consider yourself, while you were a special magistrate there, sufficiently protected in the discharge of your duty?—No, I did not.

5775. Sir *George Grey.*] Are those which you have mentioned the only instances of want of protection which you can give the Committee?—There are a number of minor instances that it would be troublesome to take up the time of the Committee with; but I attribute them all to the prejudice they have against the system, for to myself personally the gentlemen generally were extremely kind and hospitable.

5776. Have you stated the leading instances of the want of protection?—There are many others that I might state which I considered equally militating against my security while I was there.

5777. Mr. *Buxton.*] What is your opinion as to the nature of the prospects of the colony when slavery shall expire?—I have been always of opinion, and I am still so, that the colony will flourish, that the whole of the West Indies will flourish and prosper.

5778. Do you mean to say that it will flourish if the negroes obtain entire and complete liberty, or do you mean to say that if there should be a system in which there should be considerable restrictions upon their freedom of labour, it would

C. Brown, Esq.

2 August 1836.

equally flourish?—I consider that it will flourish equally well when they give them entire freedom, and I conceive that even if they had got entire freedom on the 1st of August 1834, the country would have flourished.

5779. Did you observe any disposition on the part of the negroes with regard to labour which would induce you to think that other restrictions ought to be imposed upon them which are not imposed upon the labourers of Great Britain?—No; I conceive that they act just as the labourers of Great Britain, and that they are acted upon by the same stimulus.

5780. Sir *George Grey.*] Are you acquainted with the restrictions imposed by law upon labourers and other persons in Great Britain?—The labourers in Great Britain are free to work when they please, or not to work, and to get a reasonable hire.

5781. Are you aware of the nature of the vagrant law in Great Britain?—Yes; and we had a vagrant law in Jamaica too. In the part of Great Britain that I come from we have very little of the vagrant laws put in force; we hear very little of them in Scotland.

5782. Mr. *Buxton.*] Do you believe that the negroes are as likely to work well for wages as the inhabitants of Scotland?—I think they are.

5783. Had you any opportunity of observing what was the condition of the free children?—Their condition was very bad, because they have no provision made for them by law, under six years of age, and their parents would not consent to apprentice any of them; they would rather have them die than apprentice them.

5784. Sir *George Grey.*] You mean that there was no provision made by law?—No provision by law, except they are apprenticed, and the parents said frequently they would rather see them dead than have them apprenticed.

5785. Mr. *Buxton.*] Do you consider that the universal reluctance of the parents to apprenticing their children shows the detestation in which they had previously held slavery?—I do think so.

5786. You are not a convert to the doctrine that the negroes like slavery better than freedom?—No; they would hail liberty I believe with great joy.

5787. Have you had an opportunity of looking into the gaols upon the estates where the negroes are occasionally imprisoned?—I had an opportunity in one instance casually to go to what is called the stocks-room, and on going into the stocks-room I found there was a hole in the floor, where I believe they confined people below; I inquired where the stocks were, but there were no stocks there; but against the wall I saw a large instrument put up, with a bolt of iron across and shackles on it, where the prisoners should be in a standing position, without being able to sit down. I considered it an instrument contrary to law, and I ordered that it should be immediately removed. I considered it my duty to send a model of the instrument and a report of it to his excellency the governor, and I heard no more of it. I had no complaint of anybody being put into that instrument.

5788. Did you find any difficulty in getting access to the gaols in your district?—Orders were given to build new cells, but none were built; offenders were confined in the old stocks-room.

5789. Did you find any difficulty in getting at the stocks-room?—No.

5790. Sir *George Grey.*] Did you entertain the slightest doubt as to your right to go there?—I considered it my right and my duty to go there.

5791. Did you, in fact, exercise that right without difficulty?—I did.

5792. Mr. *Buxton.*] Did you find that those cells were places suited for the confinement of human beings?—They were very unsuitable, especially in that climate.

5793. Did the negroes make any complaint to you, that, wishing to purchase the term of their apprenticeship, the appraisement was placed so high as to disable them from doing it?—A number of people applied to me to purchase their freedom; several people managed to get purchased; others again preferred remaining as they were. I had along with myself two other magistrates in making the appraisements, and they certainly made them higher than I would agree to.

5794. Supposing that two local magistrates and yourself met together for the purpose of forming an appraisement, was it decided by the majority of votes, or how was it decided?—We estimated according to our individual opinion of the value of the hire during the term of the apprenticeship, then, adding the amounts of each estimate, divided it by three, to give the average; and from the result made a deduction for casualties.

5795. What extent of deduction?—The amended Act spoke of that more clearly, but it is now disallowed; we used to allow 20 per cent. deduction for casualties.

C. Brown, Esq.

2 August 1836.

5796. Sir *George Grey.*] Did not the Act require one-third?—The amended Act did so, which came into operation a little before I came away.

5797. Mr. *Gladstone.*] Did it appear to you that the negroes ever came for the mere purpose of being valued for curiosity, or that they had always in view the practical object of obtaining their freedom?—They had always in view the practical object of obtaining their freedom.

5798. Sir *George Grey.*] Can you state the number of valuations in your district during the five months you were acting as magistrate?—Very few in my district; not more than six altogether were emancipated.

5799. Can you state the number that were valued, but who have remained apprentices?—When they got a notion of what the prices would be, they remained at their labour; they only inquired of me if I could give them an idea of what the money would come to, and when it came to a certain sum they would return back again; and I often advised them that, if they were with comfortable masters, they had better remain as they were, and they would have money at the end of the apprenticeship to buy a little property with.

5800. Then in many of those cases no actual valuation took place, but they merely requested you to give them your opinion as to the price?—There was no actual valuation.

5801. You mean there were no cases of actual valuations made by three magistrates in which the apprentices did not pay the money?—I think there was one woman that would not pay the money; she said it was too high, and more than she possessed.

5802. Then only seven valuations actually took place in your district?—Yes.

5803. Mr. *Buxton.*] But the applications were numerous?—The applications were numerous as to the price they would be charged.

5804. *Chairman.*] Do you think it is a common case for the negroes who possess some money to prefer keeping that money to lay out at the expiration of the apprenticeship rather than employ it in purchasing their own immediate freedom?—Where they are well used they would prefer remaining as they are, and to keep the money to the end of the apprenticeship. In general where the freedom was purchased it was where the employers were not upon a good understanding with the negroes.

5805. Mr. *Buxton.*] Have you any knowledge of the administration of justice in the courts in Jamaica?—I have not much knowledge of the courts. There were a number of people tried.

5806. Did you attend those trials?—I did, casually.

5807. Can you speak as to the feeling of the House of Assembly with regard to the system of apprenticeship?—They appeared very hostile to it.

5808. Mr. *Gladstone.*] You have said you did not see any symptons of improvement during your stay in Jamaica as regards the working of the apprenticeship system; did you infer or consider from what you saw that no improvement was likely to take place?—I cannot say for the future; but while I was there, there appeared to be no improvement.

5809. Mr. *Buxton.*] Did you consider that the medical treatment of the negroes upon the estates was such as it ought to have been?—No; the medical treatment was not so good as it ought to be; but it is not the medical treatment alone, but the nourishment and the different things necessary along with medicine, that I had often my fears about.

5810. Did the females in the field work the same number of hours and perform the same quantity of labour with the males?—They did; they used formerly to allow them some time, but since the time of apprenticeship they appear to take that away from them, and they call their names over in the list along with the others. Several of the apprentices made complaints upon that subject; but not having any law upon the subject, I could not do anything further than to advise the people to get on with the work and to give satisfaction.

Mr. *Melmoth Hall,* called in; and Examined.

Mr. *Melmoth Hall.*

5811. *Chairman.*] WHEN did you leave Jamaica?—On the 27th of March last.

5812. How long have you lived there?—All my life.

5813. Were you a planter there?—No; I possess a small place in St. Andrew's, but I am not a planter. I have been clerk to my uncle, who is a sugar refiner in Kingston.

Mr. Melmoth Hall.

2 August 1836.

5814. Have you been in the habit of residing upon plantations and of acquiring any practical knowledge of the manner in which they are conducted?—I have visited them occasionally from time to time; I visited the parish of Vere just before I left.

5815. Are you a magistrate?—No.

5816. Mr. *Buxton.*] During the time that you had an opportunity of observing the working of the system of apprenticeship, did you see that the negroes were employed to do the same quantity of work, and were employed during the same number of hours that they had been during the time that they were slaves?—Yes, I had, on three estates in Vere, Greenwich, Hillside and Basilletta.

5817. What was the number of negroes on those?—On Hillside about 4,000, on Basilletta about 200, and on Greenwich I am not aware.

5818. *Chairman.*] What opportunities had you of observing what went on upon the estates?—By stopping there for a few days.

5819. Are you able to say that they did the same quantity of labour that they had done without remuneration?—They received remuneration.

5820. Mr. *Buxton.*] Will you state to the Committee the number of hours that the negro was employed, beginning with Monday morning?—They were employed from six o'clock in the morning till six the next, by spells.

5821. How many hours a piece did they work?—About six hours in each spell.

5822. How many spells had they?—I think they had a spell every six hours.

5823. Then, in fact, in the 24 hours they work 12?—They did.

5824. Had they the same upon the Tuesday?—Yes; they are going on with the old system. I expressed my astonishment at it, and the overseer said, "We pay them for this 1 *s.* 6 *d.* a week;" and I saw them receive it on the Monday morning.

5825. Did they do this upon the Monday, Tuesday, Wednesday and Thursday?—Yes.

5826. On the Friday was the same system continued?—The same system until Saturday evening.

5827. So that they worked 12 hours a day during the whole time?—Yes.

5828. What was the remuneration they received?—They received 1 *s.* 6 *d.* sterling, or 2 *s.* 6 *d.* currency.

5829. Do you consider that that 1 *s.* 6 *d.* was all the remuneration which they received for the time which belonged to themselves?—I was told so by the overseers.

5830. Were they at liberty to take it or to refuse the 1 *s.* 6 *d.*, and so to reserve to themselves the extra time?—Quite so; the law allowed them to do so. I expressed my surprise at seeing them work during the night, and I was told they were doing so; it was during crop-time.

5831. Mr. *Gladstone.*] Do you mean the Committee to understand that each of those negroes worked 72 hours during the week?—Yes.

5832. Sir *George Grey.*] How long were you upon the estate?—I was in the parish three weeks.

5833. How long were you upon those estates?—Four or five days upon Hillside.

5834. What you have stated was the result of information given to you by the overseer?—Yes, and of what I saw myself. I saw that there was work during the night, and then, in the course of conversation, the overseer told me that, and on Sunday morning I saw them come and receive the money.

5835. *Chairman.*] Do you know whether it was the habit of the negroes to work for wages for their master in their own time at other periods of the year besides crop time?—I am not aware of it.

5836. Sir *George Grey.*] Who was the special magistrate in that district?—Mr. Nolan.

5837. Did you ask whether he had sanctioned the agreement under which the negroes were working for hire?—No, I did not; they did not seem to wish to have much to say about the stipendiary magistrate.

5838. Did you ask for the particulars of the agreement under which they were working?—No, I made no particular inquiries about it.

5839. *Chairman.*] Did the negroes seem satisfied?—Quite.

5840. Mr. *Gladstone.*] You say that the negroes did not seem to wish to have much to say about the stipendiary magistrate?—They seemed to express a dislike to having anything to do with the stipendiary magistrate.

5840*. Does the statement you have made refer to one of the estates or to the three?—To the three.

5841. Does

5841. Does the amount of 2*s.* 6*d.* currency for wages refer to negroes of the best class or to the whole?—I should imagine it must refer to the best class; they appeared to be respectable, decent people.

5842. Mr. *Baines.*] That remuneration is in addition to the food and other allowances that they receive?—Quite so; it was for the extra time.

5843. Sir *George Grey.*] Will you listen to this. Under the head of "Conduct and Industry," the account given of the negroes is this: "Working cheerfully and willingly for wages; giving up all their extra time for 2*s.* 6*d.* a week, and the usual allowances. Some pay at the rate of 4*s.* 2*d.*, as then the apprentices work night and day as formerly, for five days in the week, and often till one o'clock on Saturdays. They are so eager to earn wages that where their extra work is not wanted on their own estate they will hire themselves from sunset till 12 to a neighbouring property for 10*d.* currency. The carpenter and tradesmen work regularly on Saturdays for 3*s.* 4*d.* a day, wherever they can get employment." Do you think that description would be applicable to the estates you have described under Mr. Nolan's care?—To a certain extent it would.

5844. Are you certain that 2*s.* 6*d.* currency, which you have stated they received, included Saturday's labour?—Positively so, from this conversation.

5845. From this statement it appears that it only included five days, but your opinion is that it included six?—Yes; because I saw them at work upon the Saturday evening, and come for the money on the Sunday morning.

5846. Did you see the whole of them at work?—I saw the estate at work; the negroes generally were at work.

5847. Can you state positively that none of them received at the rate of 4*s.* 2*d.*?—None.

5848. Did you so closely inspect the payment of the wages as to be able to state that no one negro upon that estate received 4*s.* 2*d.* per week?—I got up in the morning with the overseer; the negroes came up, and to each he gave 2*s.* 6*d.*, taking off their names as they came up. I cannot say that they did not receive more; but I only state what I saw.

5849. *Chairman.*] Were you ever yourself personally concerned in the management of a plantation in Jamaica?—No.

5850. Mr. *Buxton.*] Do you know an estate called Happy Grove, in the parish of St. Andrew's?—I have heard of it; but I do not know anything as to the management of it.

5851. Sir *George Grey.*] Mr. Nolan in his report states, "The hiring system answers so well, that besides keeping the mills continually about, they can in many cases appropriate four afternoons each week to the cultivation of the estates." Are you able to state that that account is incorrect?—I do not think it is incorrect.

5852. He states that in many instances the negroes can appropriate four afternoons each week to the cultivation of the estates. Surely that would be inconsistent with their working night and day?—It is only crop-time that I am speaking of.

5853. But this is under crop?—I do not suppose that two estates are managed in the same way.

5854. Have you any reason to suppose that the system upon those estates was one that the negroes objected to?—No.

5855. Did you hear any complaints upon their part?—Not the least; indeed, they said that the negroes seemed to have a desire upon those estates that no stipendiary magistrate should be sent for.

5856. Did you hear that sentiment expressed by the negroes themselves?—I did; I heard it expressed in a particular instance. One of the negroes being tipsy, the owner of them was a good deal annoyed, and upon his threatening to send for the stipendiary magistrate, I heard them say, "Oh, do not send for him; we do not want any magistrate here."

5857. Mr. *Baines.*] That was the tipsy negro?—No; the other negroes.

5858. Sir *George Grey.*] Did you observe whether the plough was used upon that estate?—There were no ploughs used upon those estates.

5859. Is it an estate in the parish of Vere that you were speaking of?—Yes, the parish of Vere.

5860. Mr. Nolan states in his report that the plough was used with great success. Did you observe the mode of cultivation sufficiently to state whether that was the case?—I was there during crop-time, and they were not then planting canes.

5861. Mr. *Gladstone.*] Are you aware of any case in which it was ever

Mr. *Melmoth Hall.* attempted to exact more than nine hours' labour during the day from the negroes without wages?—I do not think the negroes would do it.

2 August 1836. 5862. Are you aware of the attempt ever having been made?—No.

Sir *George Grey*, Bart., a Member of the Committee, Examined.

Sir *G. Grey*, Bart. M.P. 5863. *Chairman.*] DO you wish to add anything to your evidence upon the former day?—Since I was examined upon Saturday I have had an extract made from the votes of the House of Assembly of Jamaica, for the session 1835–36, of all the proceedings which have taken place with respect to education. [*The same was delivered in.*] I should also add, that by the mail which has arrived this morning from the West Indies, the proceedings of the last session have arrived. I have only had time to look at them very hastily; but I observe that education has formed the subject of a message from the governor, and an address from the Assembly during that session. With regard also to female punishment, a despatch has been received by this mail from Lord Sligo, of the 13th of June 1836, by which it appears that that subject has been under the consideration of the House of Assembly during the late session. Lord Sligo states, "In consequence of the debates of the House of Assembly respecting the whipping of females, being conscious that it had been carried on to a greater extent than I have been able to ascertain, I determined that close inquiries should be made on the subject; I therefore prepared a circular to the special magistrates in whose districts the workhouses were, but before they were sent off a message from the House, requesting a return of them, was sent over to me; and afforded me a means of making a more accurate and successful inquiry, as when stated to be by orders of the House, less opposition could be made by the supervisors." The address of the House of Assembly is dated the 3d of June 1836, and is in these terms: "We are ordered by the House to wait on your Excellency, and to request that you would be pleased to send down to the House the particulars of all cases of whipping females which have come within your Excellency's knowledge since the Abolition Act came into operation; specifying the names of the persons by whom committed, and the punishment, if any, inflicted on the offenders." Lord Sligo goes on to state that he inclosed in his answer to this address the particulars of 24 cases which had been reported to him since the passing of the Abolition Act. A subsequent message was afterwards sent by Lord Sligo to the Assembly, relative to some further particulars of the same nature in the St. Catherine's house of correction, and which had subsequently come to his knowledge. I am not aware yet what proceedings were taken by the House of Assembly in consequence of this information being communicated to them, in answer to their address. With regard to the workhouses, I find that, in consequence of a circular despatch of the 18th of November 1835, from Lord Glenelg, a return was sent of all the gaols and houses of correction existing in Jamaica, and the rules and regulations under which they are carried on, which if the Committee wish to have, I will deliver in. [*The same was delivered in.*] With reference to the general state of the island, Lord Sligo states in a despatch, also received this morning, dated the 23d June 1836, "In making to you my usual report on the general state of the island, I have nothing to add to my recent representations that tranquillity and good conduct prevail generally among the negroes. The unusually heavy rains which have prevailed since the departure of the last packet have much retarded the progress of the crop; I fear that it will not be entirely finished till the end of August. The great floods which have ensued have destroyed whole fields of canes." With regard to classification he states, with reference to the steps which he had taken on this subject, "It has been proceeding rapidly, but as I have in no manner forced the thing, many who refused at first have now intimated their approbation of it. Far from unsettling the minds of the negroes, I am told that it has had precisely the contrary effect, as the negroes now feel that their overseers cannot impose upon them. I have a vast many refusals, and several assents from those who at first refused. There are not a dozen cases undetermined in all that has been done, and not one difference of opinion between the manager and the magistrate; but several will, I dare say, be found on the estates of those who have refused. Those who have acceded, fearing nothing, have had it done, and they will reap the fruits of it. I wish that the proprietors would write out from home to have it done on all their estates." He afterwards adverts again to the system of undue valuation, and mentions some cases in which he had written for explanations, which he had not then received. As an enclosure to this despatch Lord Sligo has sent several documents; one is a return

which

Sir *G. Grey*, bart. M.P.

2 August 1836.

which had been sent to the House of Assembly of the number of apprentices who had been valued for the remainder of their apprenticeship, between the 1st August 1834 and the 31st May 1836. It appears that the number valued, and whose manumission had been effected, was 998, at an aggregate amount of 33,988*l.* 5*s.* 4¾*d.*, which had been paid, averaging 34*l.* each; 624 had been valued at the aggregate sum of 29,455*l.* 1*s.* 1¾*d.*, which had not been paid, averaging 47*l.* a piece. So that it appears that those which are not paid average considerably higher than those which had been paid. He also encloses another document, as containing a most satisfactory instance of industry among the negroes. He appears to have received a written statement of the wages earned by the negroes upon a particular estate. He sent this to the special magistrate of the district, Mr. Hulme, to ascertain whether it was correct. I will deliver in a copy of the statement of Mr. Hulme's letter.

[*The same was delivered in and read, as follows:*]

17th May 1836.

1st Fact. Kew estate, Saturday 14.—The overseer had called over his list in the field, when an apprentice not connected with the property came and asked to dig cane-holes; the reply was, "We give 3*s.* 4*d.* per hundred; go if you choose;" and the man went. In the evening the man returned and was paid by daylight, long before dark, so that he could not have worked more than 10 hours, (even though he had not taken any time for meals,) yet he received 8*s.* 4*d.*, having dug 250 holes.

2d. Same estate and day.—An apprentice not connected with the property, having worked on his own estate his four and half hours, came to dig cane-holes. He could not have commenced before 12 o'clock, and being paid with the former apprentice, he could not have worked so late as six P. M., yet he received 4*s.* 2*d.*, having dug 126 holes.

3d. Same estate and day.—An apprentice belonging to the estate finished his full day's task, (20 feet of trench, 2 feet broad and 2 feet deep,) and then desired to dig cane-holes for himself. He was also paid with the others, and received 3*s.* 4*d.*, having dug 100 cane-holes.

My Lord, Chelsea, Lucea, 31 May 1836.

I BEG to return the enclosed paper, and have to state, for your Excellency's information, that with regard to the 1st Fact, the occurrence alluded to took place on Friday the 13th, and not Saturday. Fact 2d, quite correct. Fact 3d. The apprentice does not belong to the estate, but he performed the work exactly as it is stated. It may not, perhaps, be deemed superfluous for me to add, that several of the estate people and jobbers employed on the estate have dug from 150 to 200 cane-holes in their meal-times alone during the last week, and without devoting any part of their half Friday or Saturday to them.

I have, &c.

(signed) *J. R. Hulme*, Special Justice.

5864. Mr. *Buxton.*] Have you received any further accounts of the punishments inflicted upon the negroes?—We receive every month a summary of punishments inflicted upon the apprentices. They are comprised in what are called Tables A. and B.; Table B., in the last column, ought to state the maximum of any mode of punishment besides that of whipping and of confinement, for which there are two separate columns. It is however stated that in Jamaica it is very difficult to insert in Table B. the maximum of any one mode of punishment inflicted by any special magistrate throughout the island, because it would not, in fact, afford any means of judging as to the severity; and a reference is therefore made to Table A., which contains the number and nature of the punishments inflicted by each special magistrate. The maximum, which would be inserted in Table B., is the extension of the apprenticeship; a punishment imposed under a clause in our own Act in the case of runaways, and distinct from ordinary punishments. If a negro had been a runaway from the 1st of August to the present time, he would be liable by our own Act to an extension of the apprenticeship for a similar period. With regard to the subtraction of time, the last column in Table A. for the month of May contains the following list of punishments of this nature: "To repay 30½ days, to repay 59 days, 10 days, eight days, 14 days, 20 days, four days, 14 days, 310 days, two months' labour, 10 days, eight days, 84 days, four days, 17 days, four days, four months, 18 days, 14 days, six days." Those which I have now stated comprise the maximum punishments of this nature inflicted by any special magistrate during that month. Now, in these cases, with the exception of one which is two months' labour, I observe they are all repayments; and I infer that they have been imposed to make up the time which has been lost to the estate by the absence of the apprentice, or by his neglecting to perform the required amount of labour during the period of the legal hours of work. There are other cases of extension of the

Sir *G. Grey*, Bart. M.P.

2 August 1836.

apprenticeship, which expressly apply to runaways who have been absent from the estate the whole of the time, and which come under a distinct head.

5865. Do you know how many instances there are of negroes whose apprenticeship has been extended beyond the year 1840?—No; but it could be ascertained in Jamaica. I find in the report of Mr. Baynes, a special magistrate, some observations which appear to me important, with reference to this description of punishment. Lord Sligo has discountenanced as much as possible, and I think very rightly, corporal punishment. Mr. Baynes seems to have felt the difficulty of finding any punishment really effective and free from objection. He states, with regard to repayment of time, "I have long since discovered that the amercing in time of the ill-diposed and refractory, either generally or individually, is almost useless. When they are determined and obstinate, as on some estates, sentences of this description are totally inefficient, and entirely disregarded by them. For instance a man runs away, is absent for four months, and thus has to repay 85 working days; or a whole gang, as is often the case, have been found, on various occasions, deficient in work to the amount of 20 days: some additional punishment, besides restitution, becomes necessary; these can only be exacted in alternate weeks, for they must have some time to cultivate their grounds, in order to procure subsistence." This again throws light upon the practice in administering this punishment. Lord Sligo's instructions stated that it would be generally necessary to give them alternate Saturdays for their provision-grounds when under sentences of this nature; and Mr. Baynes here states such to be the practice, and that it is only exacted in alternate weeks. Mr. Baynes proceeds to state: "In the first case, then, the offender remains nearly three years under sentence, and in the latter 60 weeks. Now this appears to the negroes, and really is, so long a prospective of punishment, that they almost despair of its termination; hence they become indifferent and callous; and knowing that every other Saturday and every Sunday, under any circumstances, must still be given to them, they will neither perform proper work in the ordinary or the forfeited hours, but content themselves, from a spirit of retaliation and revenge, even at the risk of doubling or trebling their punishments, with throwing back the work and prejudicing still further the interests of their masters." The remedy Mr. Baynes proposes is this: "This manifest evil may be remedied, as well as corporal punishment be avoided, by the establishing of continuous penal labour for six days in the week, with close confinement on Sundays; food being provided for them, and their provision-grounds kept in order by their employer during the course of their sentence."

5866. Is it not possible that in some cases the three kinds of punishment, flogging, the penal gangs, and the amercement of time, may be inflicted upon the same negro for the same offence?—I think by the Jamaica law it is possible to inflict more than one punishment for the same offence; in fact a punishment may be a compound punishment, as it is in some cases in England, where imprisonment with hard labour is combined with corporal punishment; but I should say that a case of excessive punishment cannot occur without its coming under the governor's notice; because full returns are sent to him, which show the nature of the offence committed by each individual and the punishment inflicted upon him for that offence.

5867. Have you in this paper the maximum amount of time of which the negroes in Jamaica have been deprived since the apprenticeship?—Certainly not; because this paper is only the last monthly return, received this morning. No return which we have in England would enable us to give that information. With respect to the Acts of the Jamaica legislature, as to which a question was put to me yesterday, I find that the Trespass Act was passed in Jamaica on the 10th of December 1833, and is now in operation, but has not been expressly allowed, and is open to disallowance; the Fire-arms Act was passed on the 4th of July 1834; it is a limited Act, to expire in 1838, and that Act was left to its operation by an order of His Majesty in Council, dated 7th February 1835, and therefore is not open to disallowance. The Highway Act was passed on the 20th of December 1834, and this Act is still open to disallowance.

5868. Have you seen the special justices' report contained in the Jamaica Courant of June the 4th, 1836, purporting to be an abstract of the special justices' reports of the 28th of May, for one month, from which it appears that 4,000 lashes were inflicted in the space of a month by order of the special justices?—I have not seen that return in the newspaper, which I suppose has only just reached this country; but I have no doubt that among the arrivals which have come to-day from Jamaica

there is a return of the corporal punishments inflicted by the special magistrates. The last return we have shows a great diminution, and I have every reason to suppose, from the information received from Lord Sligo, that the present return will show a still further diminution of punishments of every kind in Jamaica; the per centage upon the apprenticed population for the last month is rather below one per cent., which is less, I think, with the exception of one instance, than it has ever been since the commencement of the apprenticeship.

Sir G. Grey, Bart. M.P.

2 August 1836.

By the last mail a despatch was received from Lord Sligo, in answer to one addressed to him by Lord Glenelg, respecting the prosecution of Captain Oldrey. These two despatches I will deliver in.

[*The same were delivered in; vide Appendix.*]

Veneris, 5° die Augusti, 1836.

MEMBERS PRESENT.

Mr. Labouchere.	Lord Viscount Sandon.
Sir George Grey.	Mr. Charles Lushington.
Mr. Thornely.	Mr. Buxton.
Mr. William Gladstone.	Sir Stratford Canning.
Mr. Patrick Stewart.	Mr. Baines.

MR. LABOUCHERE, IN THE CHAIR.

William Burge, Esq., called in; and further Examined.

Wm. Burge, Esq.

5 August 1836.

5869. *Chairman.*] DO you wish to add anything to the evidence you have already given?—I do. In consequence of its appearing upon your Minutes as part of the evidence of an honourable member (Mr. Ballon), that a statement was made by Lord Sligo in his speech to the House of Assembly, on the 3d of February, in proroguing the Assembly, which represents him as having sent four messages to the House on the subject of negro education, which alleges that no measure had emanated from the House, which imputes to the House indifference on the subject, and that the House had taken no steps to make the grant of 25,000 *l.* available, I beg to lay before the Committee the following facts in contradiction of that statement. The House of Assembly met on the 10th of November. On the 12th of November, two days after they had met, a committee was appointed, as appears by the votes of the House, "to ascertain the best mode of instilling into the minds of the juvenile population of the peasantry religious instruction, and for the prevention of vicious habits." A committee of nine members was appointed; and I beg leave to state that it was so constituted as to represent all the interests and views of the different classes of the community. On the 13th the House, according to its usual practice, adjourned from the Friday till the Tuesday following, the 17th. On that day a message was sent by the House to the governor, which is in the following words: "We are ordered by the House to wait on your excellency, and to request that your excellency will be pleased to put the House into possession of all such information as your excellency may have received of the measures intended to be pursued by His Majesty's Government to provide for the moral and religious instruction of the labouring population. The House, in soliciting this information, beg to state, that the resolutions with which the Imperial Parliament introduced the Bill by which slavery in the British colonies was declared to be abolished, included a pledge to provide for the instruction of the emancipated population of the colonies, on liberal and comprehensive principles. The House, alive to the importance of early adopting measures by which the moral and religious wants of the people may be adequately provided for by some legislative enactment, is anxious to learn how far His Majesty's Government may be prepared to make the necessary endowments for the establishment of district schools, that the inquiries to be instituted by the House into the wants of the community, and into the best measures to be adopted for meeting those wants, may be directed by the views which His Majesty's Government may have taken of the subject, and the nature of the provision they may be prepared with to meet it." On the 10th of December, the committee appointed, as I have previously stated, made a report to this effect, "That for the purpose of providing district schools, under the sanction of His Majesty's Government, it will be necessary that the parishes of this island should be divided into districts of a smaller extent, and that a school should be established in each district, to be conducted upon liberal and comprehensive principles. Your committee are aware that this measure must be attended with a

Wm. Burge, Esq.

5 August 1836.

heavy expense, and therefore feel that it will be premature to bring in a Bill this session, but earnestly recommend to the House that an Act for this purpose be introduced early next session, when the House will be in possession of information as to the extent of the pecuniary support they are likely to receive from the British Government. To meet present exigencies, and to provide immediately for the wants of a population at present under little instruction or control, your committee recommend to the House that a Bill be brought in to enable proprietors to establish schools on their respective properties under proper regulations. Resolved, that the House do agree to the Report. Ordered, that Mr. Manderson, Mr. Cox, Mr. Davis, Mr. Jordan, Mr. Hilton, Mr. Panton, Mr. Farquharson, Mr. Taylor, Mr. Barclay, Mr. Guy, and Mr. Osborn, be a committee to prepare and bring in a Bill to enable proprietors to establish schools on their respective properties under proper regulations, agreeably to the said Report. A Bill was accordingly brought in and read the first time. From the circumstances which I have mentioned in a former part of my evidence, connected with the meeting of the House, it was impossible for the business of the session to be finished at the usual period, namely, before the Christmas holidays. It was necessary the members of the House should be on their estates during that season, and the House was under the necessity of adjourning. On the 17th of December the House, with the permission of the governor, adjourned itself until the 26th of January. On the 26th of January the House re-assembled. On that day the governor for the first time communicated to the House of Assembly the vote of 25,000 *l.* made by Parliament, together with three documents, namely, Sir George Grey's letter to the Secretary of the Treasury, dated 21st July 1835, his circular letter to the secretaries of religious societies, dated 10th Sept. 1835, and Lord Glenelg's circular despatch of the 16th Nov. 1835. The House adjourned on Friday the 29th of January to Monday the 1st of February. On that 1st of February the breach of privilege was committed by the governor, which led to the prorogation, and put an end, of course, to the business of this session. On the 24th of May the House again met. A resolution was adopted by the House on that day to revive all standing and special committees of the last session, and to proceed on the business which was before them at the time of the late prorogation. I perceive, on a reference to the Votes of the House, that on the 27th of May another member was added to the committee, to prepare and bring in a Bill to enable proprietors to establish schools on their respective properties under certain regulations. On the 1st day of June a message was sent to the governor, which is in these words, "We are ordered by the House to wait on your excellency, and to request that your excellency will be pleased to inform the House what portion of the 25,000 *l.* voted by Parliament for negro education has been allotted to this island, if the money has been received, and to whom the application of it has been or is to be entrusted." That message was communicated to the governor on the 1st of June. The House, without waiting for the governor's answer, proceeded with the bill on the 7th. Mr. Manderson, from the committee, presented to the House a bill to establish schools "for affording the means of moral and religious instruction to the juvenile population of this island, and for promoting industrious habits," which was received and read a first time, and ordered to be read a second time on the Thursday following. It was not until the 9th of June that the governor sent an answer to it. That answer consisted of replies to inquiries he had caused to be addressed to the secretaries of different religious societies: "I am commanded by his Excellency the governor to lay before the House the replies which had been furnished to his excellency's inquiries as to what portion of the 25,000 *l.* voted by Parliament for negro education has been allotted to this island, if the money has been received, and to whom the application of it has been entrusted, pursuant to the second message of the Assembly of the 1st instant. His excellency begs to add, that it has been recently communicated to him by Lord Glenelg, that the whole of that money had been allotted, but an expectation was held out that another grant would be made during the present sitting of Parliament, in furtherance of the object for which the original sum was voted." One of the letters accompanying the message is a letter from Mr. Thorborn, who, I suppose, belongs to some society, in which he says, "In answer to yours of the 2d, I have to state, that I have not received any portion of the 25,000 *l.* voted by the Parliament for negro education, and that I have no expectation of deriving any benefit from that fund." Another letter is from Mr. Tinson, in which he states, "I am not aware that our society in England have availed themselves of the sum of money voted by Government for educational purposes; they had not at the date of my last communication, but I then learnt that grants had

had been made by Government on behalf of schools in this island, under the superintendence of some of our missionaries, to the amount of 1,000*l.* sterling. Whether or not these grants had been made on the recommendation of your Lordship I cannot say; but I should think, from the date of the letter, they must have been made prior to those applications." There is also a letter from Mr. Reed, the secretary to the bishop, which is as follows: "I am directed by the bishop to acknowledge the receipt of your letter of the 2d instant, and in reply to acquaint you, for the information of his excellency the governor, that out of the 25,000*l.* voted by Parliament, 2,000*l.* was obtained by the Society for the Propagation of the Gospel in Foreign Parts, on the conditions contained in Sir George Grey's circular to the various religious societies in England, and apportioned to this diocese; that the above-mentioned sum (2,000*l.*) has been long since received by the bishop, and allotted by his Lordship to several parishes, to be applied to the sole purpose of building school-houses; but that no parish can avail itself of the grant without first complying with the terms required by the Society for the Propagation of the Gospel." The next is from the Wesleyan Missionaries, in which they state, "In this island our commencement has been but recent, we are authorized however to draw upon our treasurer immediately to the amount of 2,300*l.* sterling for eight schools, and I have reason to think that our treasurer has received, or will receive upon application, two-thirds of that amount, viz. 1,533*l.* 6*s.* 8*d.* for our school-rooms in Jamaica." The other letter is from Mr. Blyth, who represents the Presbyterian church in Jamaica; he says, "I regret my inability to give a satisfactory reply to your communication, No. 3472. About two months since I received information that the committee of the Scottish Missionary Society proposed to secure 2,000*l.* of the sum voted by Parliament by raising another 1,000*l.*, and that, should this arrangement be carried into effect, the 3,000*l.* would be divided among their agents for building school-houses. I have, however, received no further information on the subject, and fear that the committee have either not made the above proposal to Government, or that the 25,000*l.* had previously been expended; I may therefore safely state that none of us have as yet got any portion of the grant, and that we have very little hope of obtaining any. As our society does not assist us in supporting schools, we have only been able to establish one at each station, instead of three or four, which are required." From this answer of the governor on the 9th, it is not easy to collect what sum had been allotted to Jamaica. But it is quite clear what had been allotted had been already appropriated; that the appropriation had been made without any reference to the Assembly. It was no longer possible that the Bill could operate on the allotment, because it had been already made, and it had been made too without any previous communication whatever with the Assembly, and of course without affording them the means of concurring in that arrangement. But to show the perfectly *bonâ fide* disposition on the part of the Legislature to contribute to the great measure of education amongst all classes in the colony, the House, on the 9th of June, before they received the governor's message, read the Bill a second time, and it was ordered to be committed. But it is right the Committee should know, that although it was evident, after the governor's message, this Bill could have no influence in rendering available any part of the 25,000*l.*, and which it was made, by Lord Sligo in his speech of the 3d Feburary, a matter of reproach the House had taken no step to make available, and that therefore, upon the prorogation which took place a few days after this message, no Act had been passed, yet without any Act the Assembly voted a considerable sum of money in aid of religious and moral instruction. I will take the liberty of reading the several grants made by the House for this purpose before its prorogation on the 15th of June. I believe it will be found they are quite equal to any aid which the colony has received from England for this purpose. The Committee should be informed that the rectors and curates of Jamaica are paid by the colony. The amount of the stipends which the colony pays to them is more than 19,000*l.*; and in addition to this sum at least 10,000*l.* more is provided by the different parishes.

5870. Sir *George Grey.*] Do you know by whom the bishop of Jamaica is paid?—By this country.

5871. Do you know by whom the archdeacon is paid?—The archdeacon is paid by this country.

5872. Have you any stipendiary clergymen except curates paid by the island?—The rectors and stipendiary curates are paid by the island. I have before me the votes by which those salaries and stipends are directed to be paid.

Wm. Burge, Esq.

5 August 1836.

5873. Are you aware of the contents of the Act of Parliament for the appointment of the bishop?—Perfectly.

5874. Do you know what proportion of the sum charged on the consolidated fund by that Act is raised in Jamaica?—That will appear on reference to the Act; the Act specifies the sum, on a comparison with the sums I have stated to be annually paid by Jamaica to the clergy. The salary of 4,000*l.* a year is paid to the bishop, and that to the archdeacon is provided for under that Act; and I know there is a provision made in that Act for defraying the stipends of a class of curates who may be sent from hence, but they are perfectly independent of the curates of the island.

5875. You are aware that there are stipendiary curates in the island who, in addition to the bishop and the archdeacon, receive their salaries from this country?—There are some few; but my statement of the expense does not refer to them, but to the great body of the clergy of the island; when I state the sum exceeding 19,000*l.* paid, I refer to those only of the clergy who are provided for by the colony.

5876. You did not intend to state that the whole clerical establishment of the island was defrayed by the island?—Certainly not; I know there are some curates who are provided and paid from hence. I was about to call the attention of the Committee to the votes to different parishes in aid of chapels and schools: "Magistrates and vestry, Portland Chapel, Ferry Hill, 300*l.*; Magistrates, &c., St. Mary Chapel, at New Town, Middlesex, 500*l.*; Chapel, near Ginger and Ugly rivers, 350*l.*; Chapel near Yallah's river, 350*l.*; Custos, &c., St. Katherine, for chapel, Caymana's district, 500*l.*; ditto Westmoreland, for two chapels and school-rooms, 500*l.*; ditto, St. James, for chapel of ease, Montego Bay, 500*l.*; members of Kingston, in support of Union School, 300*l.*; ditto, for chapel and school-room, East End, 1,000*l.*; members, Kingston and St. Andrew, and Scotch minister in aid, 700*l.*; ditto, Trelawny and Scotch minister in aid, 400*l.*; Presbyterian Institution, Kingston, 300*l.*; Roman-catholic chapel, 300*l.*"

5877. Mr. *Gladstone.*] Are those contributions by the Assembly in aid of local subscriptions?—In aid of parochial contributions, and very probably private contributions also. There are large contributions by individuals in Jamaica.

5878. Do you mean parochial contributions by way of assessment upon the parishes?—Yes.

5879. Can you give the Committee the amount voted?—Clergy's stipends, 11,718*l.*; curates' stipends, 9,000*l.*, and the various grants which I have read from the Votes amount to 6,400*l.* more.

5880. Sir *George Grey.*] Were those sums voted in the session just concluded?—Yes.

5881. Were there any of those voted for education in connexion with schools belonging to dissenting societies or bodies in Jamaica?—My impression is, those are establishments which are exclusively connected with the Church of England and the Church of Scotland, and there is a contribution to a Roman-catholic chapel, I see.

5882. At the date of the message of the 1st of June, to which you have referred, are you aware whether the Assembly had received a copy of the communications addressed by Lord Glenelg to Lord Sligo, containing information of the plan upon which it had been determined to appropriate the 25,000*l.*, voted by Parliament last year for negro education?—There are only two communications which I am able to find in the Votes, namely, the one I mentioned as having been made by the governor on the 26th of January, and the communication made by the governor in answer to the application made to him by the House, to know what proportion of the 25,000*l.* was allotted to the island of Jamaica.

5883. Previously to that period had the governor communicated to the Assembly a despatch from Lord Glenelg, informing him of the system on which it had been determined to appropriate the 25,000*l.* voted last year for negro education?—I have looked through these Votes for all the information I could find upon the subject of the communications of Government. It is possible that if there was any other despatch which accompanied the first message, and which I have not referred to in my preceding answer, it is in the Appendix, but I have not got the Appendix to the Votes; it has not been sent home.

5884. Have you the means of knowing whether the Assembly at the present moment are aware of the system on which the Government determined to appropriate the 25,000*l.* voted last year?—I have not any means of knowing, or grounds

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for supposing, that the House is in possession of any other information than that which the governor communicated in the messages to which I have referred. I was not aware till I came into this committee-room the other day of the specific allotment to Jamaica.

5885. Are you in the habit of sending to Jamaica, in your capacity of agent to the island, Parliamentary papers relating to the West India colonies?—Yes, I am; and I sent the paper respecting the appropriation as soon as I obtained it from the printer; but it is subsequent to the meeting or the prorogation of the House that the paper would arrive.

5886. Are you aware that, with the Estimates of last year, printed in July 1835, the correspondence between the Colonial Department and the Treasury was inserted as explanatory of the system on which it had been determined to appropriate that money?—I was not aware of those Estimates containing it; the moment I was aware of the vote of Parliament I communicated it.

5887. You were aware that 25,000 *l.* was voted last year, but you were not aware, till you saw the paper printed in the present session, of the appropriation of it?—No; I was not aware of the sum appropriated to Jamaica.

5888. Mr. *Buxton.*] How much money has been voted exclusively for the promotion of negro education since the 1st of August 1834?—I am not aware that in the session of 1834 any specific grant was made for this purpose. In the only complete session which has since been held, the sum was granted which I have stated. But although the island may not have granted out of the public purse in 1834 any sums for this purpose, yet large contributions by individuals have been and continue to be made to promote education amongst all classes. I know that the desire to promote this object is entertained by the legislature of Jamaica as well as by individuals. I wish to add, on the subject of religious education, so long ago as the year 1834 a memorial of the House of Assembly to His Majesty contained the following application: "We pray that Your Majesty will be pleased to grant your royal letters patent directing briefs to be issued throughout all England and Wales in aid of the church establishment, and for building additional chapels in this island." I wish that when the King's letter, read in the churches, whilst it contained that it had been granted on the application of His Majesty's subjects in England, had also added that of His Majesty's subjects in the colony. This letter was asked for by the Assembly of Jamaica, and I brought this subject under the consideration of the Bishop of London at one of the meetings of the Society for the Conversion of the Negroes.

5889. *Chairman.*] Is there any other subject to which you wish to advert?—As the number of witnesses whom I can produce must necessarily be very limited, for it has not been in the power of persons to come purposely from Jamaica to give evidence, and those who have been brought forward have been persons accidentally here resident in different parts of the island, I am desirous of putting upon the Minutes a statement of those proceedings of the House which completely rebut the inference which has been drawn by some witnesses, and which they desire should be drawn by the Committee, that there was a desire on the part of the Assembly to evade, or defeat, or obstruct, the measure of emancipation, the Abolition Act. It appears by the proceedings of the last session which met on the 24th of May, that on the succeeding day, the 25th, a Bill was introduced for the purpose of reviving the Act in Aid; that it was read a second time on the 26th, and committed; on the 27th, the day following, passed and sent to the council; that on the 30th, the day to which the House was adjourned, the Bill was assented to by the Governor. Upon a former occasion, when I stated a disclaimer on the part of the Assembly of any such intention as that which had been unjustly imputed to that body, I was reminded that that disclaimer proceeded not from the Assembly as a legislative body, but from the committee of correspondence, although there were the same persons composing both bodies. I am now enabled to put before the Committee the most authoritative disclaimer by the Assembly of any such intention, by delivering in, as I now do, a copy of the Memorial to His Majesty, agreed to without a dissentient voice by the legislature of Jamaica, which, in obedience to the directions of the House, I presented to His Majesty on Wednesday. I will read the following passages: "The House next met on the 4th of August 1835, when feeling themselves compelled by what they saw passing before their eyes, to express a decidedly opposite opinion to that put forward in the governor's opening speech, of the flourishing condition and flattering prospects of the colony, his excellency was pleased immediately to dissolve the House on the 10th of the same month. Up to this period,

Wm. Burge, Esq.

5 August 1836.

therefore, we humbly contend, that the proceedings of the Assembly had shown no desire to impede or retard the great measure of emancipation, nor had Your Majesty's representative then intimated to us that any such aim was imputed; but while we anticipated that, in the words of Lord Mulgrave, 'the great objects to the colonial interests of compensation being once secured, through a compliance of the legislature with the terms annexed, His Majesty's Government would be disposed to place the most candid and liberal construction upon any supplemental Acts which might be passed, provided that they bore upon the face of them a real and sincere desire to act up to the spirit and intention of the British Parliament and people;' nor did His Majesty's Government (as that noble Lord assured us) wish to fetter in any respect that discretion as to the execution of the details of all these measures which had been wisely vested in the colonial legislature, and for which their local knowledge and practical experience gave them peculiar advantages. We are grieved to find that, even previous to our meeting in November 1835, the minds of Your Majesty's advisers had been induced to expect an intentional abandonment of the compact on our part, that a presumed case of guilt had been anticipated, and punishment invoked; for we find in Lord Glenelg's despatch of date 23d of October 1835, laid on the table of the House of Commons, that Your Majesty's Ministers had been made to understand, that the general scope of our policy was to defeat or retard the progress of the great measure of emancipation; and that this aim was still attributed to us, whether our supposed design was to refuse the revival of the expiring Act in Aid, or to embarrass the magistracy, or to refuse the necessary funds for supporting the principal officers of the local government, or to withhold a proper police bill, or to exclude Your Majesty's representative from the correspondence of the Colonial-agent. We ask your attention, Sire, to the fact, that at the time this aim was attributed to us, no necessity existed for renewing the provisions of the Act in Aid, as that Act would not expire till December 1835. That such an aim ever actuated our minds, we unequivocally, and in the most solemn manner, collectively and individually deny; and we therefore are at a loss to conceive what could have induced Your Majesty's representative to say advisedly that the remedy must come from home. The new Assembly met on the 10th November 1835, and on the very next day, amongst the other expiring laws taken up to be renewed, a committee was appointed by the House to bring in a Bill to renew the Act in Aid of the Abolition Act." In another part they say, "The House are deeply sensible how extremely difficult it will be even for them, with the fullest knowledge of the state of society, to provide laws and regulations which, under Providence, may be the means of guiding the colony safely through the great approaching change; but if in addition to the many other almost insurmountable difficulties which present themselves, the two classes which divide society, are to continue to be viewed and treated as the oppressors and the oppressed; if the one class is to be distrusted, and the other specially favoured, and if the laws passed by the legislature of the colony are to be viewed through this medium, and sanctioned or rejected as they shall suit those views, then indeed is there little hope for the colony. But the House have more confidence in Your Majesty's Government than to suppose that it will pursue a course so ruinous to the island, and so injurious to the mother country itself. The Assembly of Jamaica beg leave, with all humility and truth, to assure your most gracious Majesty, that it will be their most anxious desire, as it is their duty and their interest, to promote by every means in their power the prosperity of this important colony; and to guide to a successful termination, if it be possible, that great national measure of humanity for which so large a sacrifice has been made, and in which they and their constituents are so deeply interested."

5890. Sir *George Grey*.] What is the date of that memorial?—The 14th of June.

5891. Was a copy of that memorial communicated to the Governor of Jamaica before it was transmitted to you for presentation to His Majesty?—No, nor is that usual. The governor has a copy of these votes sent to him every day, in which he would see this memorial set forth.

5892. Are you aware whether that memorial was printed in the Votes before it was transmitted to you for presentation to His Majesty?—Necessarily so, as part of the proceedings of the day on which the memorial was agreed to by the House. I hold in my hands the Votes as they were daily printed. This memorial is sent as part of the proceedings of the 14th of June. The House of Assembly was prorogued on the 15th of June. This vote would be delivered to the governor by 10 o'clock on that day, the 15th of June.

5893. When did it leave Jamaica?—By the first packet which sailed after it had been voted.

5894. Do you know when that packet left Jamaica?—On or subsequently to the 25th of June, for she brought me letters of the 24th and 25th of that month.

5895. Had the governor any opportunity of making any observations on those parts of the memorial which directly affect his character and conduct previous to its being sent home?—Yes, the interval of ten days between the voting of the memorial and the sailing of the packet.

5896. With reference to the Act in Aid, does this memorial admit or deny the right of the Imperial Parliament to legislate in the mode in which they did legislate by renewing that Act in the course of the present session?—I beg leave to refer to the memorial; the House of Assembly complains of that interference by the Imperial Parliament.

5897. Does it deny the right of the Imperial Parliament to pass that Bill?—The statement is this: "We complain of the unconstitutional outrage committed upon our rights by the recent introduction of a Bill into the House of Commons to revive an Act of our legislature, entitled, 'An Act in Aid of the Abolition Act,' which had expired. We humbly submit, that no proceedings of ours have justified this invasion. We assert that all laws for internal regulation should be propounded and framed in our own House. This principle we have, from the earliest periods of our history, maintained as one of our inherent rights as British subjects, neither altered or abridged by our situation of colonists."

5898. It has been stated by a witness who was a special magistrate in Jamaica, that, having been summoned to attend a committee of the House of Assembly, and detained in attendance upon that committee, which lasted for a considerable period, at an expense to himself of 50 *l.*, he applied for payment of that expense, and payment was refused?—I understood the witness to state himself to have applied to the chairman of the committee: the chairmain of a committee of the House of Assembly has no more power to order the expense of witnesses to be paid than any private individual would have. The only mode by which he could obtain the reimbursement of his expenses would be by a vote of the House of Assembly.

5899. Are you aware that special magistrates have been, in more than one instance, examined before committees of the House of Assembly, and yet to this day are unable to obtain payment of their expenses?—I am not aware whether they have been paid.

5900. Are you aware that the governor, in the course of the last session, sent a message to the Assembly upon the subject?—In reading over these Votes I see that there was a message sent to the House of Assembly respecting Mr. Lyon, a special magistrate.

5901. What was the purport of that message?—It is in these words: "I am commanded by his excellency the governor to bring down to the House the copy of a despatch from the Secretary of State for the Colonies, dated 23d March last, accompanied by the memorial of Mr. Lyon, to which that communication has reference;" then there is a petition of Mr. Lyon to the governor, stating his having been summoned to give evidence; and the message and the documents are ordered to lie on the table.

5902. Are you aware whether Mr. Lyon's expenses have, in point of fact, been paid?—My impression on reading the Votes is, that they have not been paid. I do not see any order made for the payment of them.

5903. Are you aware whether any proceeding took place in consequence of the message just referred to?—I do not recollect at this moment what course was taken by the House upon this message, whether it was referred to a committee, or if referred, whether there was any report; nor could I give an answer without going through those votes; but the Committee should understand that it is not the practice of the House of Assembly of Jamaica to order the payment of expenses of any witnesses who may be summoned before committees. I have known applications frequently made on the part of officers of the customs and others, who have had to come from a considerable distance, but which have been refused. It is not according to the practice of the House of Assembly to order the expenses of witnesses to be paid.

5904. Is it your opinion that, according to the practice of the House of Assembly, committees of that House would have a right to summon special justices from a distance, to detain them a considerable period, and that the magistrates should

Wm. Burge, Esq.

5 August 1836.

should have to look for payment of their expenses to the government of the country?—I say nothing about the place to which the magistrates should look for their indemnification on account of their expenses. If the House of Assembly and its committees possess any powers which are at all calculated to answer one of the objects for which the House of Assembly exists, they must have the right of summoning witnesses, they must exercise their discretion in the selection of the witnesses whom they summon. I know not of any ground for imputing to them an abuse of that discretion; nor for establishing an indemnity to a special magistrate in respect of his expenses as a witness, which is not afforded to any other officer who is summoned as a witness.

5905. Mr. *Buxton.*] Do you happen to know whether the missionaries were summoned before the committee of the House of Assembly to attend the committee on the working of the apprenticeship, and refused their expenses?—I am not aware who were the witnesses summoned by the Assembly. I can see by the report the witnesses examined, but I cannot know anything of the persons summoned as witnesses and not examined.

5906. Have you before you the address of the House of Assembly to the governor immediately before the dissolution in August last?—I have.

5907. Are you aware that, in one of the addresses of the House of Assembly to the governor, immediately previous to the last dissolution of the House of Assembly, they declare in substance, that so far from owing any obligations to this country for its grant of 20,000,000*l.* for the extinction of slavery, it was an unparalleled act of atrocity?—I do not find any such passage.

5908. *Chairman.*] Is there any other subject on which you are desirous of making any other statement?—On the subject of immigration. It appears to have been assumed that there has been a very great mortality among the persons who were sent to Jamaica. I believe that the mortality which did exist has been exceedingly exaggerated, and I will refer to a statement in the address of the House of Assembly in which they state the causes of that mortality. I will venture to state that which I believe to have been the cause which did produce a great mortality. It prevailed principally amongst the Germans; they had not been selected as they ought to have been, and as it was promised they should be, and as it was understood they were, from the country, and from agriculturists; but there were selected from the towns, and from mechanics, a number of persons whose occupations were wholly unsuited to the country, such as watchmakers, clockmakers, and shoemakers. They were not at all the class of persons to be sent to Jamaica. Unfortunately, I impute no motive to the Act, there was an inducement held out to those immigrants to enlist in the police, the police establishment paying them 5*s.* a day, whereas that exceeded the rate of wages per day stipulated to be paid on the part of the persons to whom they were indented. Attracted by the larger amount of pay, they wandered about the country to seek employment in the police. The mortality took place principally in the towns. With respect to the immigrants who were sent out by individuals to different properties, those, for instance, to the Duke of Buckingham's property, and by numerous other persons within my knowledge, I have no reason to believe that any mortality took place amongst them, or in other cases where precautions had been taken to secure grounds and houses for them on their arrival; but unfortunately, in the desire to supply immigrants, some persons took them upon their estates without having made all the necessary preparations suited for them. I beg leave on this subject to read a passage from an address of the House of Assembly to the Governor, dated the 7th of August 1835, in which they say, "It gives us much concern that your excellency should have been induced to characterize the mortality amongst the immigrants as frightful; in this we apprehend your excellency must have been misinformed. The mortality which has taken place has principally occurred in the towns, where it never was intended the immigrants should be located. Your excellency may rely that provision will not only be made for the 'reception, protection,' and the due enforcement, on both sides, of the arrangements made between the immigrants and their employers, but likewise for the punishment of those who wickedly inveigle them from such employers, after they have been once located; and to which evil practice alone do we attribute the mortality and partial failure of the attempt hitherto made on immigration."

5909. Mr. *Buxton.*] Do you happen to know whether Mr. Barrett made appropriate accommodation for his immigrants?—I believe so.

5910. Do you happen to know anything relative to the circumstance of one of the

the immigrants being found in the stocks by a special magistrate on Mr. Barrett's property?—I am not aware of such a fact. From my knowledge of Mr. Barrett I am not disposed to believe any representation of this description.

5911. *Chairman.*] Is there any other subject on which you wish to make any statement to the Committee?—The only remaining subject is that of the whipping of females. The Assembly, quite alive to this subject, did not suffer the statement of Lord Sligo to remain unnoticed. On the 3d of June the House sent a message to the governor, requesting that he would be pleased to send down to the House the particulars of all cases of whipping females which had come within his knowledge since the Abolition Act came into operation, specifying the names of the parties by whom committed, and the punishment, if any, inflicted upon the offenders. Six days after, that is, on the 9th of June, an answer to this message was sent by the governor, communicating "the particulars of 24 cases of female apprentices who had been reported to his excellency to have been subjected to corporal punishment since the passing of the Abolition Act." The House immediately appointed a committee to investigate those cases and report. On the 13th of June another message was sent by the governor, communicating the particulars of other cases which had come to his knowledge subsequently to the message on the 9th; those were immediately referred to the same committee to whom the previous answer of the 9th of June had been referred, and on the following day, the 14th, the committee made the following report, which I beg leave to read. I lay before the Committee the examinations referred to in that Report. On the following day the House was prorogued.

MEMORIAL OF THE HOUSE OF ASSEMBLY.

Jamaica, ss.

To the King's Most Excellent Majesty. The Humble Memorial of the Assembly.

We, your Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, with unabated attachment to Your Majesty's person and family, and to the constitution of our country, are compelled to approach your most gracious Majesty with a representation of our complaints and grievances.

We complain of the unconstitutional outrage committed upon our rights by the recent introduction of a Bill into the House of Commons to revive an Act of our Legislature, intituled, "An Act in Aid of the Abolition Act," which had expired. We humbly submit that no proceedings of ours have justified this invasion.

We assert "that all laws for internal regulations should be propounded and framed in our own House;" this principle we have, from the earliest periods of our history, "maintained as one of our inherent rights as British subjects, neither altered or abridged by our situation of colonists." We contended for it in periods most inimical to freedom. We asserted it to our Sovereign's Representative, when we consented to pass the Act in 1726, for granting a perpetual revenue to Your Majesty's Predecessors, declaring "that in so doing we only adhere to the maxims of Government of the Mother Country, who could endure no laws but those of their own choosing;" it has been conceded to us by repeated declarations. This House did, in the year 1774, address an humble petition and memorial to Your Majesty's Royal Father, declaring "that your petitioners and the colonists are not, nor ought to be, bound by any other laws than such as they have themselves assented to, and not disallowed by Your Majesty," in which sentiment this House fully coincides; and the Colonial Minister, in his despatch of 31st March 1836, while he recognizes the principle, justified the departure from it, on the ground that the right of Parliamentary interference, "usually dormant, has been unavoidably called into activity, because, in the abolition of slavery, the Assembly of Jamaica has failed to give complete execution to the design of the Supreme Legislature," and also, "that Parliament being both the author and guarantee of the national compact, which imposed on the Assemblies the obligation of reconciling, by proper laws, the duties of the negro population with their rights as freemen, was bound to enforce by its power the performance of any part of the duty of the Assembly of Jamaica, which that body themselves may have failed to fulfil." We passed the Abolition Act in December 1833, and when called together in July 1834, were informed by Your Majesty's Representative that "he felt great satisfaction in submitting to the House a document which so unequivocally expressed the approbation of His Majesty's Government at the measures adopted by the Legislature on the momentous question of the abolition of slavery; and, in calling the attention of the House to those parts of the Act which were mentioned in the despatch as requiring explanation rather than amendment, his Excellency cordially joined in acknowledging the merits of the framers of the Bill, and in the feeling entertained by His Majesty's Government, that its imperfections were less numerous than might reasonably have been expected, in legislating on a subject altogether new, and involving such vast interests." With this declaration announced by Your Majesty's Representative, we imagined that the Assembly could not be deemed "to have failed in giving execution to

Wm. Burge, Esq.

5 August 1836.

the design of the Imperial Legislature, in abolishing slavery itself." In June 1834, we passed a Bill to remove the objections raised by Your Majesty's then advisers, in the sincere spirit "of reconciling, by proper laws, the duties of the negro population with their rights as freemen;" and this Bill also received the assent of the Governor.

On the next meeting of the House in November 1834, a few months after the Abolition Act had come into operation, many difficulties having been found in the working of the system, and considerable alarm pervading the colony, the House again took up the subject, and passed another Bill, containing various regulations, which were deemed necessary to the continued culture of the plantations, and which were, at the same time, in the opinion of the House, within the meaning and spirit of the British Abolition Act. The House were not singular in their opinion, for to this third Act, after the Bill had been long before the House, printed and well considered, the Governor gave his assent in December 1834. This Act was disallowed by Your Majesty, upon a Report of the Lords of the Committee of Council for Trade, dated 23d June 1835.

The House next met on the 4th August 1835, when, feeling themselves compelled, by what they saw passing before their eyes, to express a decidedly opposite opinion to that put forward in the Governor's opening speech, of the flourishing condition and flattering prospects of the colony, his Excellency was pleased immediately to dissolve the House on the 10th of the same month. Up to this period, therefore, we humbly contend, that the proceedings of the Assembly had shown no desire to impede or retard the great measure of emancipation, nor had Your Majesty's Representative then intimated to us that any such aim was imputed; but while we anticipated that, in the words of Lord Mulgrave, "the great object to the colonial interests of compensation being once secured, through a compliance of the Legislature with the terms annexed, His Majesty's Government would be disposed to place the most candid and liberal construction upon any supplemental Acts which might be passed, provided that they bore upon the face of them a real and sincere desire to act up to the spirit and intention of the British Parliament and people, nor did His Majesty's Government (as that noble Lord assured us) wish to fetter in any respect that discretion as to the execution of the details of all these measures which had been wisely vested in the colonial legislature, and for which their local knowledge and practical experience gave them peculiar advantages." We are grieved to find, that even previous to our meeting in November 1835, the minds of Your Majesty's advisers had been induced to expect an intentional abandonment of the compact on our part; that a presumed case of guilt had been anticipated, and punishment invoked; for we find, in Lord Glenelg's despatch, of date 23d October 1835, laid on the table of the House of Commons, that Your Majesty's Ministers had been made to understand "that the general scope of our policy was to defeat or retard the progress of the great measure of emancipation, and that this aim was still attributed to us, whether our supposed design was to refuse the revival of the expiring Act in Aid, or to embarrass the magistracy, or to refuse the necessary funds for supporting the principal officers of the local government, or to withhold a proper police bill, or to exclude Your Majesty's Representative from the correspondence of the colonial agent."

We ask your attention, Sire, to the fact, that, at the time this aim was attributed to us, no necessity existed for renewing the provisions of the Act in Aid, as that Act would not expire until December 1835. That such an aim ever actuated our minds, we unequivocally and in the most solemn manner, collectively and individually, deny, and we therefore are at a loss to conceive what could have induced Your Majesty's Representative "to say, advisedly, that the remedy must come from home."

The New Assembly met on the 10th November 1835, and on the very next day, amongst the other expiring laws taken up to be renewed, a committee was appointed by the House to bring in a Bill to renew the Act in Aid of the Abolition Act. On the 13th the attention of the House was directed to this subject, by a message from the governor, in which his excellency recommended that the Act in Aid, about to expire (already taken up by the House), should be re-enacted in its original form, without intermixing any new matter, or any which had been contained in the Act lately disallowed, and further recommending that, if the House deemed any other regulations necessary, they should be made the subject of a separate enactment. This course his excellency urged in consequence, as he informed the House, of his having been instructed not to give his assent to any measure affecting the apprentices, unless it had a suspending clause, or unless the time at which it should be made to take effect, was so remote as to afford Your Majesty ample time previously to signify your pleasure therein.

The House went into the consideration of this most important but difficult subject, with the strongest desire to do whatever, according to the best of their judgment, and to the extent of their power, would promote the safe working of the emancipation measure.

The Act of the former session, drawn up with much care and attention, had been disallowed, and the House, being informed that no new legislation would be sanctioned unless under a suspending clause, decided to renew the Act in Aid, and incorporate with it such clauses of the disallowed Act as appeared likely to be beneficial, and had not been objected to by Your Majesty's Government. The House are at a loss to conceive what course they could have pursued less likely to give offence, or less calculated to subject them to a charge of wishing "to retard and defeat the emancipation measure."

The minutes of the House are matter of record, and confirm this statement, and a reference to the Bill, as it was passed by the House, will show how carefully the several clauses objected

objected to in the disallowed Act had been expunged, or amended in accordance with the suggestions contained in the despatch of the Colonial Secretary.

There is still further evidence to refer to, arising from the amendments to the Bill proposed by the Council, with the sanction, it may be presumed, of the Governor himself. It is clear that, if a Bill had passed the House of so objectionable a character, as to show a design to defeat the Abolition Act, such a Bill must have been at once rejected by the Council, or, if not, the magnitude of the amendments must have shown the magnitude of objections to such Bill. Only four amendments, exclusive of the suspending clause, were proposed by that board. The first was to add a proviso to a clause giving the right of appeal to the higher courts; this right already existing, the clause and the proviso were supererogatory, although, in strict accordance of the 20th section of the Abolition Act, which declares "that nothing in that Act contained shall extend, or be construed to extend, to abrogate or take away, the powers by law vested in the supreme courts of record, or in the supreme courts of civil or criminal justice in this island."

The second amendment was to strike out a clause relative to classification. This clause was to the effect, that every master is entitled, under the Abolition Act, to four full years, or six three-fourth years, services of his apprentices; consequently that no apprentice having, as a prædial, applied one-fourth of his time to his own use for four years of the apprenticeship, can also claim an exoneration from the two remaining years, as a non-prædial, whereby only three years' services would be given to the master. The assertion of this principle was all that the House contemplated, and which the House submit to be clearly and explicitly within the spirit of the Abolition Act.

The third amendment proposed, was merely a verbal alteration, substituting the word "children" for "juvenile."

The fourth was to expunge a clause, giving an authority to confine violent and outrageous offenders in the bilboes, in the absence of other means of security.

On many of the smaller description of plantations, the houses, entirely constructed of wattle and plaster, with open jealousies, are too slight to confine even a child that wished to break through them. The House, while it gave the power of placing a violent and outrageous offender in the bilboes, required however "that immediate notice should be sent to the special magistrate." In this there was nothing repugnant to the Abolition Act, as that Act gives the power "of placing in confinement any person who may commit offences for the space of 24 hours." The clause was applicable only in the absence of other means of security. These amendments, not very important, the House might have adopted, but the introduction of a suspending clause was an insuperable obstacle. To such a clause the House have ever objected as an infringement of their rights, and as an exercise of power, which, under circumstances easily to be imagined, would often be most injurious to the welfare, and dangerous to the safety of the colony. In the present instance, the House considered it to be in an especial degree unreasonable and unnecessary, when, notwithstanding the many further regulations required for the maintenance of order, and the enforcement of industry, the House had limited themselves to the renewal of the Act about to expire, and the adoption of the clauses of the disallowed Act which had not been objected to.

On the re-assembling of the House on the 26th January, and when the Act in Aid lay upon the table, and the amendments proposed by the council were under consideration, his Excellency sent a message to the council, intimating that in consequence of communications received from the Colonial-office during the recess, his Excellency would assume the responsibility of dispensing with the suspending clause. This notice was viewed by the House, before whom the Bill then was, as an indirect intimation that the council's amendments would be withdrawn.

On which account, adhering to their Bill, they returned it to that board, instead of asking a conference, as otherwise, in all likelihood, would have been the course pursued. On the following day his Excellency sent a message to the House, which was considered by them, and has since been admitted by Your Majesty's Advisers, to have been a breach of their privileges, and his Excellency terminated the proceedings by a prorogation. The House have every reason to believe, that but for the interruption caused by this second message, if the council had invited a conference with the House, and had in that conference conceded the suspending clause proposed by them to the bill, the other trifling differences would have been easily adjusted, and the bill passed into a law.

The House deeply regret the necessity which has impelled them to obtrude upon Your Majesty so tedious a detail of their proceedings in this matter; but condemned as they have been at the bar of Parliament, and threatened as they are by a measure fatal to their rights and liberties, they owe it no less to their constituents than to themselves to show by a reference to facts which defy contradiction, that the charges brought against them are unfounded. Opinions may differ, and widely differ, between persons resident in this island and in England, as to the probable success of the emancipation experiment, and also as to the extent of restrictive or coercive laws required now, or likely to be required hereafter, to maintain order and enforce industry among the manumitted slaves; but whatever difference of opinion may exist on these points, no one person entertains the belief that emancipation, whatever may be its result, can now be either retarded or defeated. That the success of this measure will depend mainly upon the equity and wisdom of the laws which shall be provided to guide an ignorant population through so sudden and so mighty a change, the House presume is not to be denied, and that to provide such laws an intimate and thorough knowledge of the people is altogether indispensable.

Wm. Burge, Esq.

5 August 1836.

The House are deeply sensible how extremely difficult it will be even for them, with the fullest knowledge of the state of society, to provide laws and regulations which, under Providence, may be the means of guiding the colony safely through the great approaching change; but if in addition to the many other almost insurmountable difficulties which present themselves, the two classes which divide society are to continue to be viewed and treated as the oppressors and the oppressed, if the one class is to be distrusted and the other specially favoured, and if the laws passed by the legislature of the colony are to be viewed through this medium, and sanctioned or rejected as they shall suit those views, then indeed is there little hope for the colony. But the House have more confidence in Your Majesty's Government than to suppose that it will pursue a course so ruinous to the island, and so injurious to the mother country itself.

The Assembly of Jamaica beg leave with all humility and truth to assure Your most gracious Majesty, that it will be their most anxious desire, as it is their duty and their interest, to promote by every means in their power the prosperity of this important colony, and to guide to a successful termination, if it be possible, that great national measure of humanity, for which so large a sacrifice has been made, and in which they and their constituents are so deeply interested.

Passed the Assembly this 14th day of June 1836.

(signed) *Richard Barrett*, Speaker.

REPORT of the Committee of the House of Assembly, Tuesday, 14th June 1836.

Mr. Speaker,

Your Committee, to whom was referred his Excellency the Governor's second message of the 9th instant, and the document therein mentioned, report that they have inquired into such cases mentioned in that message, as the shortness of the time would permit, and taken evidence on them respectively, which evidence is hereunto annexed.

In the case of Eliza Martin, it appears from the evidence of Mr. Hodgson, a member of this House, that she was, at the time of the stated flogging, at work under the sentence of a special magistrate in the penal gang, when from her extreme idleness and insolence the driver of that gang gave her some stripes on the shoulders or back with the cat; that the driver was indicted, and on his own admission of having inflicted such stripes, he was found guilty, and sentenced to pay a fine of 40*s.*; that in consequence of this sentence the driver stated there was no use in his remaining as driver without authority, and immediately resigned his appointment.

In the case of Jane Reid, it appears from the evidence of Mr. Edwards, a barrister, and a member of this House, and of William Holder, Esq., the acting clerk of the Crown for Cornwall, that Sloly, the supervisor of the house of correction, was indicted and found guilty of the charge alleged against him; but as it appeared in his defence that he acted under the general orders given by the special magistrate for the regulation of the institution, the chief justice considered that the ends of justice were fully answered by requiring Sloly to enter into recognizance to receive the judgment of the court when called upon, which recognizance was given, and shortly after Sloly died. Your Committee think it proper here to observe that they were desirous of procuring the evidence of the chief justice, but that officer declined to be examined; notwithstanding your Committee are of opinion the foregoing evidence fully explains the case of Jane Reid.

In the case of Janet Williams, it appears from the evidence of Mr. Dallas, a member of this House, that this woman was in the house of correction, under sentence of the Surrey court of assize, for stealing 170 *l.* 1 *s.* 8 *d.* in money from her master; that she was ordered by that sentence to be worked on the tread-mill, to which she refused to submit, and that after strict inquiry into the circumstances made by a committee of the corporate body of Kingston, the flogging stated to have been inflicted upon her was only such as was permitted by the rules and regulations of the institution, for the purpose of enforcing submission to her sentence, and which from her extreme violence and obstinacy she received more frequently than the other women sentenced to the wheel.

With regard to the assertion made respecting the case of Janet Williams, and that of Aglae, "that the grand jury of Surrey threw out the bills against the supervisor and his assistants at the Surrey court of assize," your committee are under the impression, from the evidence of Mr. Hyslop, the chairman of your committee, that his excellency the governor has been imposed upon in these respects, as no such indictments were ever sent before the grand jury, the magistrates of Kingston being satisfied with the report made by the committee of the corporate body.

As respects the other cases, your committee have not been able, owing to the great distance at which they are stated to have taken place, to institute any inquiry, but have no doubt, had sufficient time been allowed, they would with equal facility have been able to refute the calumny contemplated by them.

Your committee would only further remark, that it is the province of the officers of the Crown to enforce the due administration of the law, and that as the law is amply sufficient, the occurrence of any abuses, such as are alleged to have taken place in some of the houses of correction the blame must rest solely with those officers of the Crown whose peculiar duty it is to see that the laws are carried into effect.

Your

Your committee have not at this late hour of the session taken up the message of yesterday, also referred to it; the evidence is entirely *ex parte*, and if believed to be true, the cases should have been sent into the Crown-office.

5 August 1836.

Ordered, that it be an instruction to the commissioners of correspondence to send to the island agent a copy of the above report and evidence annexed, and copies of his Excellency's second message of 9th June instant, and his Excellency's second message of yesterday; also the passage from his Excellency's proroguing speech, on the 3d February last, containing his Excellency's charge of the whipping of females being in practice in this island.

(By the House.)

John G. Vidal,
Clerk to the Assembly.

EXAMINATIONS taken before the Committee to whom was referred His Excellency the Governor's Second Message of the 9th June instant.

The Case of *Eliza Martin.*

St. Mary's, April 1835: "*Eliza Martin,* held down on the field and flogged with the cat on the back; *John Gordon,* tried at Quarter Sessions, at *Port Maria,* and sentenced to pay 40 *s.* for the offence."

The Evidence of Mr. *Hodgson,* a Member of Assembly, and Custos of *Saint Mary.*

THAT Eliza Martin was in the penal gang, out at work, I believe on Albion estate, sent in by a special magistrate; she was extremely idle and insolent. John Gordon, the driver of the gang, punished her by some stripes on the shoulder or back with the cat. The said John Gordon was indicted for the offence, and tried at the court of quarter sessions for St. Mary, at which I presided, as the custos of the parish, when he admitted what is before stated with respect to this woman was true; he was sentenced to pay a fine of 40 *s.* for his offence. John Gordon stated that unless he was permitted to use some authority there would be no use of his remaining a driver, and consequently resigned that appointment.

(signed) *Abraham Hodgson.*

The Case of *Jane Reid.*

25th and 26th June: "*Jane Reid* was flogged on both these days, by order of Mr. *Sloly,* the supervisor, for which he was indicted, but has died before sentence was pronounced."

The Evidence of Mr. *Edwards,* Member for *Portland,* and a Barrister-at-law.

That Mr. Sloly was put upon his trial for the above offence, at the last Montego Bay assizes, in March, the bill having been found in November previous; the fact was proved against Sloly, and in his defence he showed that the special magistrates had repeatedly given him orders to compel the women to work on the mill by corporal coercion if necessary. I think Sloly was present at the trial, but I do not think any sentence was pronounced.

(signed) *B. Edwards.*

The Evidence of Sir *Molyneux Hyde Nepean,* Clerk of the Crown.

State how many indictments were sent in to the grand jury of Surrey, in 1835, against the supervisor of the house of correction of Kingston?—As far as my recollection serves me a bill was sent in against George Aitcheson, William Young and William Coffey, for ill-treatment of Eliza Carr, but the bill was ignored.

Were bills sent in against the supervisor of that institution for flogging Janet Williams, Aglae or Sarah Young?—There were none sent in to my recollection; there appears none on the records.

Witness put in the names of the judges and grand jury, at the August Surrey assize court, and which are as follows:—

Grand jury for August, Surrey assize court, 1835. Judges, the Chief, John Mais and Hector Mitchell.—

Wellwood Hyslop, of Kingston, merchant; George Atkinson, of Kingston, merchant, William Christie, of Kingston, merchant; Hinton East, of St. Andrew, esq.; John Barclay, of St. David, esq.; David Cohen, of Kingston, merchant; Charles Anderson, of St. Thomas in the East, esq.; William Francis Espent, of St. George, esq.; Robert Chisholm, of St. Andrew, esq.; Andrew Simpson, of St. Andrew, esq.; William Cramsie, of Kingston, merchant; John Bradfield, of Kingston, merchant; Daniel Morrison, of Kingston, merchant; George Helps, of St. George, esq.; Edwin Sainsbury, of Kingston, merchant; Thomas Blacas, of Kingston, retailer; Lewis Lewis, of Kingston, fancy store-

Wm. Burge, Esq.

5 August 1836.

keeper; George Goollen, of St. David, esq.; Robert W. Bryan, of St. Andrew, esq.; Alexander Brymer, of Portland, merchant; Phineas Bravo, of Kingston, sugar-refiner; Benjamin Banks, of Kingston, merchant.

(signed) *Molyneux Hyde Nepean*,
Clerk of the Crown.

Did you attend the Cornwall assize court, in March 1835, when the case of Rex *v.* Sloly was tried?—I did not; Mr. Holder, my deputy, attended in my stead.

(signed) *Molyneux Hyde Nepean*,
Clerk of the Crown.

The Evidence of *William Holder*, Clerk of the Crown for *Cornwall*.

Did you attend as Clerk of the Crown at the March Cornwall Assizes, 1835?—I did.

Did any observation fall from the Court during the trial of Rex. *v.* Sloly; if yea, state them?—The court observed during the trial of Rex *v.* Sloly, that the indictment was a very proper one, in order to try the legality or illegality of the species of coercion therein complained of, for the purpose of carrying any sentence into effect; the Court also observed, that they considered that the ends of justice would be fully answered by requiring Mr. Sloly to enter into recognizances to receive the judgment of the Court when called upon, which was subsequently done.

(signed) *W. Holder*, Dy. Cl. Cr. for the City of Cornwall.

The Case of *Janet Williams*.

The Evidence of Mr. *Dallas*, Member of Assembly, and Custos of *Port Royal*.

That Janet Williams was tried 23 January 1835, at the assizes held in Kingston, with William Young, for stealing from their master 170 *l.* 1 *s.* 8 *d.* in money, and found guilty; the chief justice pronounced the sentence of the court upon them, which was, that they should be committed to gaol for six months, to be worked on the tread-mill each alternate week a fortnight previous to the expiration of the six months. Janet Williams was to be placed in solitary confinement, and William Young to receive forty lashes. Young underwent his sentence, Janet Williams positively refused to go on the treadmill, and Coffee the boatswain, in compliance with the rules and regulations of the institution, used the cat to compel her to go upon the wheel; this was complained of to the corporate body of Kingston, and a committee was appointed to inquire into the complaint, of which I was a chairman, and, after strict inquiry, the committee reported that the cat had only been used to Janet Williams to enforce her submission to the sentence of the assize court. I am not aware, nor do I believe, that any prosecution was instituted against the supervisor, the magistrates considering the report of the committee quite satisfactory.

(signed) *S. J. Dallas.*

The Case of *Janet Williams, Aglae*, and *Eliza Carr*.

Kingston House of Correction, 26 February 1835. "*Janet Williams.*—The boatswain of the House of Correction swore that she had more flogging than the other women on the tread-mill because she was more obstinate; his shoulder was sprained, and so he could not use his strength, but he licked her and others at the same time."

Aglae.—"Reported on the committee of the house of correction at the same time to have been flogged; no allusion whether females had or had not been flogged; it was however admitted that such were the general orders. Though these facts were admitted, the grand jury of Kingston threw out the bills against the supervisor and his assistants at the Surrey court of assize."

It appearing that Mr. Hyslop, the chairman of the committee, was the foreman of the grand jury at August assize court 1835, he was desired to give the committee any information consistent with his recollection, which he did in the following words: "I am confident his excellency has confounded these names with the case of Eliza Carr. The three cases occurred in 1835, but those of Janet Williams and Aglae, after a thorough investigation, were not, I believe, made the subject of further judicial inquiry: that of Eliza Carr went into the Crown-office, and a bill of indictment against Mr. Aitcheson, the supervisor of the Kingston house of correction, and others, was sent to the grand jury of the August assize court.

"I was the foreman of the grand jury, and my associates were those gentlemen whose names are in the list delivered to the committee by the clerk of the Crown, and a more anxious, patient and deliberate investigation never was bestowed by 23 gentlemen.

"The grand jury were occupied in the inquiry the greater part of two consecutive days; we even applied to the Court for further evidence, and the mayor of Kingston was sworn and sent before us. We returned the indictment 'not found,' and on our oaths we said so.

"The message states that 'though these facts were admitted, the grand jury of Kingston threw out the bill against the supervisor and his assistants at the Surrey court of assize.'

"I do

Wm. Burge, Esq.

5 August 1836.

" I do not pretend to divine how his Excellency acquired his authority to speak so confidently of the evidence given before the grand jury; but I beg to relate an occurrence which took place during the investigation I refer to:

" After the examination of Eliza Carr and Mr. Special Justice Connor, the third witness called (whose name I do not remember) was not to be found, although he was seen by me in the passage with the other witnesses in support of the indictment.

" On the following morning that witness came before us, and being asked why he absented himself on the previous day, it came out that he had, since the adjournment, been compelled to attend Mr. Connor at his residence, where he was sworn and interogated, and, as the witness stated, for the purpose of obtaining his evidence for the Governor, so flagrant an interference with a witness already sworn in open court, and in possession of the grand jury, determined us to present Mr. Special Justice Connor; but before doing so, we resolved to recall Mr. Connor: he at once admitted the fact, and seemed to think himself justified in what he had done. The simplicity of the avowal, and the submission made when he was told of the illegality and the consequence of the act, induced the grand jury to overlook the matter.

" Since the message came down I have seen Mr. Atkinson and Mr. Sainsbury, who have perfect recollection of the fact of Mr. Connor's tampering with the witness as above stated.

True Copies. (signed) " *W. Hyslop.*"

(signed) *John G. Vidal*,
Clerk to the Assembly.

Sir, Lincoln's Inn, 5th August.

I believe I have already stated, but I am anxious to repeat to the Committee, that from the period which has elapsed since the Committee first assembled, it has been impossible for me to bring from Jamaica such persons as might have refuted any statements affecting them personally, or any statements of a particular and personal character, from which inferences to the prejudice of the whole community may be attempted to be drawn. It must therefore be recollected, that if there are any parts of the evidence which might have assumed a different character by the examination of those witnesses, the inquiry is incomplete, not because there might not be witnesses who would render it complete, but because it was impossible that those witnesses could have arrived here in time to be examined before the Committee closed their proceedings.

The witnesses connected with Jamaica who have been brought forward by me were accidentally in England. They had arrived here before the Committee had been appointed.

May I beg you to let this appear to the Committee.

I have the honour to be, Sir, your's very faithfully,

The Right Hon. Henry Labouchere, *William Burge.*
Chairman of Committee.

399

APPENDIX.

LIST OF APPENDIX.

No. 1.—Observations on Jamaica Acts, by John Jeremie, Esq. - - - - - p. 1

No. 2.—Analysis of Abolition Acts, by Joseph Beldam, Esq. - - - - - - p. 6

No. 3.—Analysis of Jamaica Acts, referred to in the Evidence of J. Beldam, Esq. of 3 May 1836, p. 27

No. 4.—Colonial Abolition Acts - - - - - - - - - - - p. 38

Barbadoes (No. 1.) - - - - - - - - - - - p. 38
Barbadoes (No. 2.) - - - - - - - - - - - p. 41
St. Vincent (No. 1.) - - - - - - - - - - - p. 42
St. Vincent (No. 2.) - - - - - - - - - - - p. 44
Nevis - - - - - - - - - - - - - p. 45
Montserrat (No. 1.) - - - - - - - - - - - p. 46
Montserrat (No. 2.) - - - - - - - - - - - p. 54
Montserrat (No. 3.) - - - - - - - - - - - p. 55
Montserrat (No. 4.) - - - - - - - - - - - p. 59
Montserrat (No. 5.) - - - - - - - - - - - p. 60
Tobago (No. 1.) - - - - - - - - - - - - p. 61
Tobago (No. 2.) - - - - - - - - - - - - p. 62

No. 5.—Analysis of Colonial Acts and Ordinances, general in their Title, but in Practice more particularly affecting the Emancipated Negroes; presented by Mr. Beldam, as the Evidence of himself and Mr. Matthews, on the Acts and Ordinances included in it, and ordered to be printed 15 July 1836 - - - - - - - - - p. 65

No. 6.—Analysis of certain Acts of the Colonies of Antigua and Bermuda, general in their Title, but in Practice more particularly affecting the Emancipated Negroes; presented by Mr. Beldam, as the Evidence of himself and Mr. Matthews, on the Acts included in it. Ordered to be printed 15 July 1836 - - - - - - - - - p. 78

No. 7.—Remainder of Analysis of West India Laws, by Joseph Beldam, Esq., referred to in his Evidence of 5 July 1836 - - - - - - - - - - - - p. 82

No. 8.—Negro Education.—Extracts from the Votes of the House of Assembly of Jamaica, Session 1835-36 - - - - - - - - - - - - - - p. 104

No. 9.—Rules and Regulations of the Gaols and Houses of Correction in the Island of Jamaica, p. 106

No. 10.—Abstract of Returns of Estates where Apprentices work for Hire; of Estates where Wages have neither been offered nor refused; and of Estates where Apprentices have refused to work for Hire; from 18 July to 4 November 1835 - - - - - p. 134

No. 11.—Summary of Letters addressed to Lord Sligo by Fifty-three Special Magistrates of Jamaica, in answer to a Circular requiring Reports upon the State of each District, the Industry and Conduct of the Apprentices, the Behaviour of the Masters, the State of Cultivation, and the Prospects of the ensuing Crop - - - - - - - - - p. 138

No. 12.—Abstract of Reports from Fifty-seven Special Magistrates of Jamaica, relative to the Conduct and Industry of the Apprentices; the State of Cultivation; the Prospects of the Crop; and the Conduct of the Masters, in their respective Districts; for the Quarter ending in March 1836 - - - - - - - - - - - - p. 147

No. 12.*—A Return of the Number and Nature of the Punishments inflicted on the Apprenticed Labourers in the Colony of Jamaica by the Special or Stipendiary Magistrates, specifying the Offences for which they were inflicted, separating Males from Females, between the 1st day of August 1834 and the 1st day of August 1835 - - - - - p. 160

No. 13.—Comparative List of Slaves and Apprentices in the Houses of Correction in Jamaica, p. 163

No. 14.—Rate of Wages paid and accepted by the Apprentices in Jamaica - - - p. 163

No. 15.—Abstract of the Returns of the Valuations, &c. of Apprentices in the Island of Jamaica, from 1 August 1834 to 31 March 1836 - - - - - - - - - p. 166

No. 16.—Condition of the Provision Grounds of the Apprentices in Jamaica - - - p. 193

No. 17.—Statement showing the Appropriation of 20,000 *l.* and 5,000 *l.* voted by Parliament in 1835, in aid of the Erection of School-Houses and Normal Schools - - - p. 219

No. 18.—Copy of a Letter from R. A. Wainewright, Esq Secretary to the Trustees of the Mico Charity, to Sir George Grey, relative to the Appropriation of the Funds in aid of Negro Education - - - - - - - - - - - - - - p. 221

No. 19.—Copy of Lord Glenelg's Circular Despatch of 30 January 1836, relative to the Sales of Crown Lands in the West India Colonies - - - - - - - - p. 224

No. 20.—Copies of the Marquis of Sligo's Circulars, 12 May 1836, to the Special Magistrates and the Custodes of the Island of Jamaica, relative to the Classification of Apprentices, p. 225

No. 21.—Copy of the Marquis of Sligo's Circular to the Custodes of the Island of Jamaica, dated 25 August 1835, relative to the adoption of the Nine-hours' system of Labour - p. 227

No. 22.—Extract of a Despatch from the Marquis of Sligo to Lord Glenelg, dated Highgate, Jamaica, 14 January 1836 - - - - - - - - - - - - p. 228

No 23.—Copies of the Marquis of Sligo's Instructions to the Special Magistrates of the Island of Jamaica, dated 1 January 1836 - - - - - - - - - - - p. 229

No. 24.—Extracts of a Despatch from Lord Glenelg to the Marquis of Sligo, dated Downing-street, 11 April 1836 - - - - - - - - - - - - - p. 237

No. 25.—Extract of a Despatch from the Marquis of Sligo to Lord Glenelg, dated Highgate, 21 June 1836 - - - - - - - - - - - - - p. 239

No. 26.—Observations on the State of the Laws relating to Marriage in the Emancipated Colonies; by R. Matthews, Esq. - - - - - - - - - - - - - p. 241

No. 27.—Remarks on the Jamaica Abolition Acts, communicated to Lord Glenelg by Captain Oldrey - - - - - - - - - - - - - - p. 248

APPENDIX.

Appendix, No. 1.

OBSERVATIONS on JAMAICA ACTS, by Mr. *Jeremie*.

No. 1.
Mr. Jeremie's Observations on Abolition Acts.

THE first Jamaica Act assumes to adopt not only the spirit but the very words of the Imperial Act, and in many points there is no doubt that the Act has been literally copied; but in many practical respects, in most of those points, in short, where colonial experience was required to give effect to the important principles embodied in the Imperial Act, it will be found to fall far short of the spirit in which the latter was framed.

The oversight as to the date in the first and fourth clauses has been already noticed by Lord Stanley, and corrected in the Amending Act.

By the 7th, 8th, 9th, 10th, 11th and 12th clauses of the Jamaica Act, provision is made for the discharge by purchase of the remaining term of the apprenticeship, whether voluntary or in opposition to the will of the manager; and by the Amending Act provision is also made for the discharge of apprentices where the manager is unable to effect this discharge; and it is a proviso of the same Act, that aged and infirm labourers shall, before they obtain their discharge, be examined by the vestry of the parish.

These important clauses are in many respects insufficient for the fulfilment of the purposes contemplated.

1st. As regards voluntary manumissions, nothing has been said; as to fees, are any and what fees levyable on manumissions?

Next as regards the power placed in the vestry in respect to aged and infirm apprentices; the vestry are to determine as to the liability of the employer to provide, in case of the apprentice becoming hereafter destitute, for his support and maintenance.

Now the vestry of the parish are in all probability composed of planters, certainly of persons deeply interested in the questions left to their decision; nor is it too much to suppose such a concert among them as might throw every aged and infirm apprentice upon the public, or on his own resources, for support.

This power should have been entrusted to the special magistrates only.

But a most material deviation, not only from the Imperial Act, but from those principles which had been already adopted, and practically enforced by Government after much controversy, and on the fullest deliberation, is to be found in the clauses relating to compulsory manumission.

The right of appraisement is placed by the Jamaica Act in the hands of one special and two ordinary magistrates, so that, in truth, the labourer is to be appraised by persons having a direct interest in enhancing his value.

It is needless to do more than refer here to the celebrated case of Pamela Munro, to show how completely the adoption of such a provision neutralizes the principle of manumission, *invito domino*; no case is better known, none caused a greater sensation at the time; regulations were enacted in consequence by the Crown, which it were easy to have referred to, and embodied in this Act, which indeed were specified in the draft of an Order in Council transmitted as a model to Jamaica by the Secretary of State, yet are they all omitted, and yet has this retrograde step been passed unnoticed by His Majesty's Government. Now many of those who advocated most warmly the apprenticeship system, did so under the impression, that the principle of compulsory manumission would not only operate as a great practical amelioration of that system, but render the transition from forced to free labour gradual and almost imperceptible, by causing voluntary arrangements to be frequently entered into, especially as the period of apprenticeship approached its end; all which objects are most completely defeated by these enactments; and it cannot be said that the conditions imposed on the colonial legislatures by the Imperial Parliament have been satisfactorily fulfilled, so long as these provisions in the Jamaica Bills remain unaltered.

This point is dwelt on the more strenuously, because what might have been foreseen, has actually occurred, as may be seen in reference to Dr. Madden's recently-published work, where it is shown, that in the valuation of the unexpired term of the apprenticeship, "an ideal value is added to the intrinsic value of the services appraised, such ideal value being estimated by the injuries inflicted on slavery by the Act of Emancipation itself;" and yet are these injuries already compensated, in the very preamble of these Acts, by a grant of 20 millions sterling.

Clause 14th does not provide a remedy for the parent, child, or other relation, who, by any mistake or omission of the special magistrates, shall have been separated from his family; an omission of great practical importance, which is believed to have caused much litigation elsewhere.

The same objection extends to the 15th clause with regard to sales.

The 16th clause contains an important deviation from the 11th section of the Imperial Abolition Act. The latter directed the same food and such other maintenance and allowances to be granted to the apprentice as the slave-owner was required to supply by any law in force in the colony. This by the Jamaica Act has been narrowed to one single local Act,

No. 1. Mr. Jeremie's Observations on Abolition Acts.

intituled "An Act for the Government of Slaves," 1 Will. 4, c. 25, and a construction has been put upon this Act, by which every allowance established by usage has been converted into a mere voluntary indulgence, and in innumerable cases withdrawn.

These indulgencies or allowances are, however, of great importance to the negro; they are stated in a case drawn up by the planters of the parish of Trelawney to be as follows: "a weekly allowance of herrings and salt cod-fish, also oatmeal, flour, sugar, rum, &c. and sundry articles of clothing at Crop-over and Christmas as rewards for good conduct, and, to women with six children a weekly or daily allowance (according to their respective cases) of rice, sugar, &c." And this "&c." is understood to comprise the time hitherto allowed to mothers nursing, and the employment of a certain number of the negroes in cooking and preparing the labourers' meals; in short, most of those conveniences which experience had proved indispensable to render the lot of the negro tolerable.

From this defective legislation much mischief has already arisen, and it may be feared that such omissions may hereafter endanger the tranquillity of the West Indies. It is true the Attorney-general of Jamaica has declared the ancient customary allowances to be obligatory under the new system, and it is probable the Government at home cordially concur in the Attorney-general's opinion; but whilst the question remains open, the negro is daily and hourly suffering privations, which might easily have been prevented by a more careful examination of the local enactment previous to its being approved.

The discretionary power confided to a single special magistrate by the 18th clause, sanctioned though it be to a considerable extent by the Imperial Act, is far too great; no less than that of dooming to uncompensated servitude until the age of 21 years every child born of slave parents, not of the age of six years at the commencement of the period of apprenticeship, or born of apprenticed parents at any time within it, if adjudged by such magistrate to be "unprovided with an adequate maintenance." Surely the oppressive character of such a provision could never have been fully considered by the framers of the Imperial Act. It required, at all events, the utmost care in its application.

In all cases more than one justice should have been made necessary. The parents should have acknowledged their incapacity; the nearest relatives, such as a brother or sister, where there are no surviving parents, should first have refused to maintain the child. All these precautions should have been actually taken, and proved to have been taken, before any discretion whatever was allowed to the magistrate; and even then the clause had been open to serious objections, as was pointed out on the occasion of passing the Imperial Act. The manner in which this clause operates, practically, is not fully known, but as publicity is the best preventive of abuse, ample returns should be required by the local governments from every special magistrate of the number of children so apprenticed, inserting their names, the names of their parents, the owner of the estate, the name of the magistrate, and the cause which induced him to bind the child; and these returns should be laid annually, if not oftener, before Parliament.

The next clause is the 22d, and as the same provision, in a great measure, extends to the enactment in the 23d, they shall be noticed together. Here the apprentice may be compelled to work for the benefit of his employer for a longer period than is requisite to indemnify him for the loss of time incurred by the apprentice's absence; for instance, a negro absent for more than half a day forfeits three days' labour; for less than half a day he forfeits a whole day's labour. Both these enactments are directly opposed to the principle that the employer shall not derive any benefit from the delinquency of his servant, that he shall have no inducement to connive at delinquency, and still less to promote it.

The negro should be punished by imprisonment or by flogging, and indemnity given to the manager for actual loss, but nothing more.

These clauses may be also made to apply most harshly in practice. A mother claiming the usual indulgence of half an hour, or even five minutes, to nurse her child, may be deprived of a whole day's labour, or, in other words, of nearly the whole time allowed her by law for her own benefit during a week.

Then again, the punishment should be inflicted as soon as possible after the commission of the offence; but as the enactment now stands this punishment may be made to hang over the negro *in terrorem* for a considerable time, and a few of these trifling offences (if such they should really happen to be) may be punished so as to deprive the negro for a very long period of the time allowed him by law for his own benefit.

Then, though the apprentice is compelled to indemnify the employer for any wrong committed by him, the employer, on the contrary, is in no case compelled to indemnify the apprentice for loss arising from any act of his.

If the general principles of penal laws are to be adopted, the penalty for the offence should in all cases accrue to the public; if an exception be made for domestic offences, that exception should be reciprocal; here it is unilateral, and established exclusively to the prejudice of the apprentice.

This objection extends to the whole of these clauses.

Another general objection is, that throughout the Act there is no provision with regard to the hours of consecutive rest, which are in all cases essential to the negro; no arrangement or contract entered into, no penalties incurred, should be permitted to deprive a labourer of a certain number of hours' daily rest; whilst here, the 15 hours of extra labour awarded as a penalty, may be so apportioned as to force the labourer to continue at work for 32 hours in succession.

The 27th clause seems to have been framed on the draft of an Order in Council, which was transmitted as a model; but it has been altered greatly to the prejudice of the apprentice.

The draft subjected to punishment a labourer found wandering beyond the limits of the "district;" the word "plantation" has been substituted for "district."

Again,

No. 1.
Mr. Jeremie's Observations on Abolition Acts.

Again, the employer or special justice might grant the "pass;" this is limited by the Act to the "employer" alone; practically a most unnecessary and vexatious alteration.

Sect. 28. A forfeiture to the employer of four days' labour for a single act of drunkenness appears not only incorrect in principle, but too severe: by means of this enactment a labourer for a fault of this kind committed at night, at a festival among his friends, from which the employer has not suffered the slightest prejudice, may forfeit to his employer the whole of the time allowed him by law during several weeks.

Sect. 29. Infliction of 39 stripes for "insolence" is dreadfully severe; the more so, as there is no penalty against the employer for any language or provocation he may use towards the labourer.

Sect. 30, is defective from the want of classification: the careless use of fire, the "barely endangering," without actually injuring property; or the cutting off a cane head for the purpose of sucking the juice, which is probably done every day during crop, by every negro on every plantation in the colonies, may be punished by hard labour for three months, or 50 stripes.

Sect. 31. By this section a single justice may condemn a labourer summarily to six months' hard labour, for any riot on the part of any three or more apprentices. This, again, is too great an extension of the powers of a single justice, and when compared with the powers of the same justice over managers or employers, will be found unwarrantably severe.

By sect. 33, 34 and 35, a slave carrying a knife in his pocket (for that may be deemed an offensive weapon), unless with the knowledge and consent of his manager, might be condemned to 39 lashes, and imprisonment, with hard labour, for one month; besides which, the "offensive weapon" is to be forfeited to the employer: this appears to be a most objectionable enactment.

By sect. 36, an apprenticed labourer attempting to quit the island without permission is liable to six months' hard labour, or 50 stripes, on an order from any "special justice;" a power which appears too extensive.

The 39th section is open to great abuse; one of its provisoes is as follows: "Provided always, that if the attendance of a special justice cannot be procured within 24 hours, it shall and may be lawful for the proprietor or manager aforesaid, to order the release of such apprentice so confined as aforesaid, after the expiration of 24 hours;" so that, instead of providing that the labourer arrested by the estate constable should be either set at liberty or taken before a justice within 24 hours, this clause directs (if it have any meaning) that the labourer shall not be liberated within the 24 hours; and the construction will even allow (notwithstanding the governor's opinion against it) of his being detained with impunity by the sole authority of the manager, for any length of time, until the special magistrate arrives on the estate.

Sect. 40. On occasion of frivolous or groundless complaints, the complainant is to forfeit double the length of time lost, for the benefit of his employer; this again, for the reasons above alleged, is objectionable.

The 42d section is also objectionable, inasmuch as the period of solitary confinement which may be substituted for hard labour, should in no case exceed the period of hard labour awarded by the original judgment.

The 44th section is highly objectionable in principle; the summary jurisdiction of the special magistrate should have been confined to offences committed by apprentices against each other, or against persons entitled to their services; but with regard to all other persons the apprentices should have been considered free, to all intents and purposes whatever. Another provision of this clause is absolutely monstrous: by this regulation a single special justice has the right to sentence any apprenticed labourer convicted of indolence, neglect or improper performance of work, "in addition to punishment by flogging, hard labour or solitary imprisonment," to continue at work for any such number of hours or days, in his or her own time, for the benefit of the person entitled to his or her services, "as the justice of the case may seem to require," not exceeding 15 hours in any one week; so that for one offence of indolence or neglect, or improper performance of work, a single special justice has the power, subject only to some extraordinary interference on the part of the Government, of depriving a whole gang of labourers of 15 hours of their own time in each week, during the whole period of their apprenticeship, or even beyond that period. Such an unlimited discretion can surely never have been contemplated, though it is understood, in point of fact, that under this or similar clauses, punishments have been recommended by high authority, if not awarded, within the last year, which are to take effect in 1841.

Sect. 45. The words "no longer" have been modified by the Act to three months' notice; this still is defective; the labourer whose apprenticeship ceases, should be allowed time to carry off his whole crop. The words "ground adequate both in quantity and quality," as well as the words at a "reasonable distance," are by far too vague; the minimum quantity of ground, and the maximum distance, should both have been set forth, and here at least the penalty should have accrued to the labourer.

The 46th Section is even still more objectionable. It should have been made the duty of the special justice, *ex officio*, to satisfy himself of the adequacy in quantity and quality of the ground allotted. An allotment made by the manager at a time when the labourer was in slavery, should have been rendered subject to revision, and a proviso should have been introduced to secure to the apprentice that portion of land at least which he enjoyed during his former state of servitude.

By the 47th section, taken in conjunction with a section of the Amended Act, it is perfectly clear that the eight hours' system, sanctioned as is understood by a proclamation of the Governor of Jamaica, and which has been the subject of universal complaint, is illegal;

No. 1. Mr. Jeremie's Observations on Abolition Acts.

this proclamation, therefore, should be rescinded, were it on this ground alone. And it is the more desirable, as there is reason to believe this new arrangement, which is directly opposed to Lord Sligo's first proclamation, has produced general disgust, hatred and ill-will; the time allowed the negro for the cultivation of his provision-ground being thus frittered away in half hours per day, and rendered valueless. The penalty of 40 *s.* incurred by the employer who shall refuse to allow the time settled by that section, should also have accrued to the labourer.

Sect. 48. Provides that where the grounds hitherto appropriated to the negro are "unproductive," the master may withdraw them, provided he consents to make good and ample provision by some other way and means. Ought the bountiful rewards of Providence on the negro's private toil, with all the civil advantages derivable from the acquired habits arising out of fairly-compensated labour, to be thus arbitrarily withdrawn? And if so, by whom, under the wording of this Act, is the adequacy of this substituted provision to be decided? by the special magistrate, or by the master? Then follows a proviso, "that in such case no diminution of the 45 hours as hereinbefore mentioned, shall take place." This enactment, therefore, leaves the negro in such cases, with regard to the four hours and a half said to have been secured to him, entirely at the manager's discretion.

Sect. 49. Establishes the jurisdiction of the special magistrate over the manager; his authority over the labourer extends to six months' imprisonment, to 50 stripes, to the right of depriving him of 15 hours' labour in any week during the whole period of the apprenticeship, and even of indefinitely prolonging that apprenticeship; but his authority over the manager extends only to a penalty of 5 *l.* or five days' imprisonment, which he is not required, but merely empowered, to inflict. Is there anything like even-handed justice in this? But the labourer, it is said, has his remedy by an action at common law; where is the negro to find the means? And even if these are found, would the violence of colonial prejudice allow him anything like a fair chance of success? Reparation, therefore, for any act of cruelty, however gross or wanton, seems almost out of the question, and the only check provided by this Act is a fine of 5 *l.*, payable into the public chest, which fine being inflicted, the labourer returns again into the hands of the same manager. Here assuredly might have been introduced the well-known provision of the Foreign Slave Code, that managers convicted of cruelty should be declared unfit to exercise authority over any labourer within the precincts of the colony. And here also, if there were danger in extending the authority of a single special magistrate over free persons, it might have been enacted, that courts of quarter sessions, composed of two or more special magistrates, should be holden occasionally when offences of a graver nature, and entailing heavier penalties, might have been finally heard and determined. Unfortunately nothing of this kind has been done, and the influence hitherto exercised by the colonists over the special magistracy, a very large proportion of whom have been persons interested in slave property, leaves but little hope of justice or mercy being shown to the negro.

Sect. 50. The powers even of a special magistrate should have been restricted in imposing task-work. An intermission of a certain number of hours of consecutive rest in each day should, as already observed, have been invariably required.

Sect. 51. As regards this and the preceding enactment, the agreement and the sanction should have been in writing, and copies of each attached invariably to the magistrate's returns.

Sect. 55. The manager, instead of merely "being at liberty to carry" an offending apprentice before a special magistrate, should be "bound forthwith" to do so, which would operate as a check upon the unwarrantable power of imprisonment now too frequently exercised by the estate constables: a power which appears to be not only indefinite as to time, but unrestricted as regards the places of confinement; for in no part of this Act, or any of the others, is it required that the cells on estates should be approved by a medical practitioner or a special justice, and there is no doubt that cruelty has been practised in this shape to a very great extent.

Sect. 57. This clause, which authorizes the indefinite extension of the term of apprenticeship in certain cases, should have been most carefully worded; particularly as a deliberate design appears throughout this Act of curtailing the apprentice of as much of his own time as possible. Here, therefore, the words "make satisfaction" are much too vague. The assessment of damages in any case is, perhaps, the most difficult duty allotted to jurors; that in which they oftenest differ; a duty, which even the bench in England has a great reluctance to undertake; and yet is this power of "making satisfaction," in innumerable cases, where the assessment is to fall on the labourer, conferred by this Act on a single justice, whilst, on the contrary, it is never confided to these magistrates, when the manager ought to have been made the debtor to the apprentice.

Sect. 58. Is defective in many respects; "works of necessity" should have been defined, especially when the object is to deprive the apprentice of his Sabbath, and it should also have been provided that the allowances and the wages should not be paid on Saturdays or on Sundays, for now the labourer may be regularly deprived of his market days, and of attending for religious worship on Sundays, owing to his provisions, allowances or wages being paid on these days, which is too often practised.

Sect. 59. The same objection regarding the non-enumeration of "works of necessity" applies to this clause respecting the Saturday, and this omission is the more remarkable, because in the next clause, the 60th, a distinction is drawn between works of "necessity" and works of "urgent necessity," works of "urgent necessity" being defined in the Amended Act to be the prevention of loss arising from "fire, hurricanes, or other unforeseen emergencies;" what then are works of necessity? why are they not defined also? Is sugar-

boiling

No. 1.
Mr. Jeremie's Observations on Abolition Acts.

boiling a work of necessity? if so, the negro may be deprived, without remuneration, of a portion of his Saturday or Sunday for the manager's benefit throughout crop, and it is understood that in some of the islands this construction has been actually put on similar enactments.

68. Had any doubt existed of the manner in which the fine and penalties were to be disposed of, this is settled by the 68th section, which directs that they shall be applied for the "use of the public," and therefore not in any case for that of the labourer injured.

69. Provided that no duty by stamps should be levied on documents required by this Act; this proviso should have extended to fees.

Such are the numerous defects and omissions appearing on the face of an Act that has been pronounced sufficient to warrant the declaration, by an Order in Council, that the rights of Jamaica to the indemnity provided by Parliament had been rendered "indefeasible."

An examination of the 2d Jamaica Act, commonly called the Amending Act, might be gone into at some length; but section 7 of this Act, enabling vestries to decide in cases of the discharge of aged and infirm apprentices having been already attended to, as well as the violent expulsion of the apprentices from the provision-grounds at the expiration of the term of apprenticeship, without having the power of removing their growing crops, a pretended amendment of which regulation, but one that is perfectly useless, occurs in section 12 of this Act; it is scarcely necessary to do more than to call attention to the last section, and especially to the three last words of that section, namely, "And be it enacted, that this Act shall be in force from the 1st day of August next, and until the 31st of December 1835, and no longer."

As therefore every amendment and improvement, however defective, contained therein, must shortly fall to the ground, unless it be especially renewed, it seems imperatively necessary to provide for this event by a new Act, of a character certainly not less liberal than that which preceded it.

One clause, s. 13, is however too remarkable to be overlooked. It enacts that it shall and may be lawful for any special justice to substitute any given number of hours of work on the tread-mill for any of the punishments imposed by this or any other Act on apprenticed labourers, as he in his discretion shall consider necessary and proper. Surely a clause like this will not be permitted to form part of the Act when revived.

The third Act, which was passed 22d December 1834, has been disallowed by His Majesty's Ministers, but it is not unimportant to refer to its general character for the purpose of exhibiting the real animus of the Jamaica legislature, notwithstanding all their pretences to liberal legislation.

The main objects of this Act appear to be to render the plan of compulsory manumission already in a great degree neutralised by the former Act, absolutely nugatory and void. *Vide* ss. 1, 2. To deprive the negro of the scanty provisions and protection allowed him by the two preceding Acts, ss. 3, 4. To re-introduce the system of irresponsible punishments, by means of a quarter sessions jurisdiction; of appeals to the supreme courts, and by the establishment of penal gangs, and other modes of discretionary punishments in estates, ss. 5. 7. 12. 15. 19. 21.

Still further to vex, irritate and oppress the negroes by unwarrantable punishments, by interference with conjugal, parental and filial intercourse; by the suspension of friendly meetings and amusements, and by a wanton destruction of the negroes' property, ss. 8. 10. 11. 14. 17.

Last of all, to re-introduce the outrageous and disgusting practice of flogging females under the age of 10 years.

Such are some of the enactments of this singular statute, which, not content with drawing a distinction in spirit, proceeded likewise to draw the same distinction in words, between "free persons" and the new species of bondage which it so undisguisedly re-enacted; and be it observed, that though the second Act, which is to a certain extent remedial, was temporary, this Act was made permanent, and was duly sanctioned by the Governor, which gives it at least a practical operation until its disallowal shall have reached Jamaica.

Now this is matter of most serious concern; a lengthened argument is scarcely requisite to prove that nearly every one of its enactments is directly opposed to the spirit and letter of the British Act, and therefore that they are legally null and void *ab initio*; but having been duly sanctioned by the Governor, of what avail is this total and absolute illegality to those who for months will have suffered under it?

Yet a remedy they must have, and such a remedy as will avail them, or the solemn provisions of their charter may be set at nought at the pleasure of the colonial legislatures.

Appendix, No. 2.

No. 2. Analysis of Abolition Acts.

ANALYSIS OF ACTS by *Joseph Beldam*, Esq.

Imperial Act for the Abolition of Slavery - - - - -	p. 6
Draft General Order in Council - - - - - - -	p. 5
Jamaica Abolition Act (No. 1.) - - - - - - -	p. 7
Ditto - ditto - (No. 2.) - - - - - - -	p. 16
Ditto - ditto - (No. 3.) - - - - - - -	p. 18

THE object of this Analysis is to compare the provisions of the Imperial Act of Abolition with the various Orders in Council, Ordinances, Acts, Provisions, Rules and Regulations which have been made and passed for the purpose of carrying it into practical operation in the Colonies, and to suggest such amendments in the Colonial provisions as may produce a closer correspondence between them and the Imperial measure.

IMPERIAL ACT for the Abolition of Slavery, &c. Passed 28 August 1833.

Notes and References.	*Sections.*
1. Under this clause, no slave not duly registered in conformity with the laws in force on the 28th August 1833, can become an apprentice; and as by clause 12 all slaves are declared free, subject only to the obligations of apprenticeship, it follows that all slaves, not duly registered as aforesaid, were entitled at once to absolute freedom.—*Vide* Remarks on ss. 46. 58, of this Act.	1. Declares the justice and expediency of emancipation; the expediency of a provision for promoting the industry and securing the good conduct of the negroes, and enacts, that from 1st August 1834, all slaves duly registered as therein mentioned, actually within the Colonies, and of the age of six years, shall become apprenticed labourers.
	2. Entitles the owner of the slave to the service of the apprentice.
3. It has been decided by Lord Stanley, that this clause excepts the case of slaves brought into the United Kingdom between the 28th August 1833 and the 1st August 1834. There is, however, great reason to doubt the correctness of this opinion.—*Vide* the case stated in comments on the Honduras Analysis.	3. Confers absolute freedom on slaves brought into the United Kingdom with consent of possessors, at any time before, and on apprentices after, the 28th August 1833.
4. *Vide* Jam. Act, No. 1, s. 4.	4. Divides apprentices into three classes. 1st, Prædial attached; 2d, Prædial not attached; 3d, Non-Prædial; and provides that no person of the age of 12 years, not habitually employed for 12 calendar months before the passing of this Act in agriculture or manufacture of colonial produce, or otherwise upon lands, shall be included in either of the two first classes.
	5. Determines the apprenticeship of prædial apprentices of both classes on 1st of August 1840, and restricts their labour in the mean time to 45 hours per week.
	6. Determines the apprenticeship of non-prædial apprentices on 1st August 1838.
	7. Enables the master voluntarily to discharge his apprentice, but provides that if the apprentice be of the age of 50, or incapacitated by disease, or mental or bodily infirmity, from maintaining himself, that the master shall be liable during the remainder of the original term of apprenticeship.
	8. Entitles the apprentice to purchase his discharge against the consent of the person entitled to his services, but leaves the method of appraisement, and the formalities and conditions of discharge, to be settled by colonial regulations as thereinafter mentioned.
9. *Vide*	9. Prohibits

Notes and References.	*Sections.*
9. *Vide* Jam. Act, No. 1, ss. 14, 15.	9. Prohibits the removal of apprentices from the colony, and of attached prædials from their accustomed plantations; but permits the removal of the latter to another estate in the same colony, belonging to the same master, with the written consent of two special justices, provided that families be not separated, and such removals be not injurious to health.
10. Ibidem.	10. Enables the employer to sell or otherwise dispose of the services of the apprentice, but prohibits the separation of families by such transfer.
11. *Vide* Jam. Act, No. 1, s. 16.	11. Entitles the apprentice, according to age and sex, to such food, clothing, lodging, medicine, medical attendance and other maintenance and "allowances," as by "any law" in force in the colony belonged to the same description of slaves. And where provision-grounds are furnished in lieu of food, it requires that such grounds should be adequate in quantity and quality, and be within a reasonable distance, and that sufficient time be allowed out of the 45 hours of weekly labour for their cultivation, but leaves the particulars to be settled by colonial regulations, as thereinafter mentioned.
12. *Vide* Jam. Act, No. 1, s. 17.	12. Enacts that, subject to the obligations imposed by this Act, or to be imposed by any such Act of general assembly, Ordinance, or Order in Council as thereinafter mentioned, all slaves in certain British Colonies as aforesaid, shall, on the 1st August 1834, "become and be to all intents and purposes free, and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in the like manner be free from their birth; and that from and after the 1st day of August 1834, slavery shall be and is hereby utterly and for ever abolished, and declared unlawful throughout the British colonies, plantations and possessions abroad."
13. The preamble of this clause recites, "Whereas such children may not be properly supported by their parents, and that no other person may be disposed voluntarily," &c. which evidently requires that sufficient publicity should be given in cases of this description, to enable third persons to come forward and undertake this responsibility.—*Vide* Jam. Act, No. 1, s. 18, and notes.—*Vide* also, as to indenture, Jam. Act, No. 1, s. 52, and notes.	13. Enacts that children under six years of age on 1st August 1834, or born of any female apprentice after that time, being brought before a special justice, and such justice being satisfied that such child is unprovided with an adequate maintenance, and has not completed the age of 12 years, such justice shall bind such child apprentice until the age of 21 years, and this apprenticeship is to be the same in all respects as in other cases provided; that the indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time for the education and religious instruction of such child.
14. In framing this clause the Imperial Legislature must have borne in mind an established rule, excluding persons interested in slave property from holding high official appointments in slave colonies.—*Vide* Jamaica Act, No. 1, ss. 19, 20, and notes.	14. Enables His Majesty to create or to authorize the governors of colonies to create special justices, and gives full powers to such persons to act as justices of the peace within the limits of their commission, for the special purpose of giving effect to this Act, or to any laws which might in manner thereinafter mentioned be made for giving more complete effect to the same, "but for no other purposes," provided that all such justices may likewise hold a general commission of the peace.
15. The number here mentioned could not be considered as final, and a much larger number proves to be requisite.	15. Authorizes the grant of salaries not exceeding 300 *l.* per annum, to 100 justices, provided that annual lists of such justices shall be laid before Parliament.

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
16. *Vide* Colonial Acts, as follows:	16. Declares the necessity of various regulations for the following purposes, viz.:
No. 1.	No. 1. For fixing the condition of the Negroes.
Classification; Jam. Act, No. 1. s. 4. Voluntary manumission; Act No. 2, ss. 3, 4. 7. Compulsory ditto and appraisement; ditto No. 1, ss. 9. 13.	For the classification of apprentices; for settling the method and formalities of voluntary manumissions, and of appraisement of manumission against consent.
No. 2.	No. 2. For securing their good conduct.
Order: estate constables; Act No. 1. s. 39. Solitary confinement; ditto, s. 42. Imprisonment on estates; ditto, ss. 53, 54. Tread-mill; ditto, No. 2, s. 22. Discipline: drunkenness; ditto, No. 1, s. 28. Insolence and insubordination; ditto, s. 29. Inferior misdemeanors, indolence, &c.; ditto, s. 44, and Act No. 2, s. 26. Wilful absence: Act No. 1, ss. 22. 26. 37; ditto Act No. 2, s. 17. Distinct comms.; Act No 2, ss. 18, 19. Services: refusal or neglect; Act No. 1, s. 28. Indolence; ditto, s. 44. Loss by frivolous complaints; ditto, s. 40. Vagrancy: Jam. Act No. 1, s. 27. Injuring property by wilful negligence; Act No. 1, s. 28. Endangering of, by careless use of fire, cattle, stock, property entrusted; ditto, s. 30. Trees, houses, &c.; Act No. 2, s. 9. Riot Act; No. 1, ss. 31, 32. Use of arms; ditto, ss. 33, 34, 35. Escape; ditto, s. 36. Aiding ditto; Act No. 2, ss. 14. 16. Harbouring, &c.; ditto, s. 20. Neglect of provision-grounds; Act No. 1, s. 38.	For the maintenance of order and discipline, and the punctual discharge of services; for the prevention and punishment of indolence, and the neglect or improper performance of work; for the enforcement of voluntary contracts; for the prevention and punishment of insolence and insubordination, of vagrancy, and of conduct injuring or tending to injure the property of the employer; for the suppression and punishment of riot, or combined resistance to the laws, and for the prevention of escape from the colony.
No. 3.	No. 3. For securing their rights and redressing their wrongs.
Food, clothing, &c. &c.; Act No. 1, s. 16. Medical assistance; ditto No. 2, s. 8. Provision-grounds, and time, or substitute; ditto No. 1, ss. 45, 46, 47, 48. Expulsion; Act No. 2, s. 21. Prevention of frauds, injuries, &c.; Act No. 1, s. 49, and Act No. 2, s. 27. Sundays; Act No. 1, s. 59. Hours of labour; Act No. 2, ss. 5, 6. Task-work; Act No. 1, s. 50. Urgent necessity; ditto, s. 60, Act No. 2, s. 10. Contracts; Act No. 1, s. 51; Act No. 2, s. 23. Juror; ditto, s. 61. Fines; Act No. 1, s. 68. Stamp; ditto, s. 69.	For securing punctuality and method in the supply of food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as above mentioned, and for settling the amount and quality in cases where the existing laws have made no regulations, or none adequate; for the prevention and punishment of frauds, omissions or neglects in respect to quantity, quality, or periods of delivery; for the settlement of provision-grounds, and time for their cultivation; for securing to the apprentice the enjoyment of his own time, and accurately computing that of the master; for preventing the illegal imposition of task-work, and procuring in certain cases the concurrence of the minority; for regulating voluntary contracts, limiting their duration, and enforcing mutual performance; for the prevention and punishment of cruelty, injustice, or other wrong or injury by the employer.
No. 4.	No. 4.
Indentures of apprenticeship; Act No. 1, s. 52.	For settling the formalities in magisterial apprenticeships of children.
No. 5.	No. 5. For securing the efficacy and protection of special justices.
Appointment of special justices, &c. &c. &c.; Act No. 1, ss. 53, 54 & 55. Protection; Act No 2, ss. 11, 12, 13.	For ensuring promptitude and dispatch of special justices, and preventing unnecessary expense; for summary decisions dividing colonies into districts; for frequent and punctual visitations by justices, and for indemnifying and protecting them in the upright discharge of their duty.

Notes and References.

From the concluding part of this clause it is obvious that no order in council can give validity to a repugnant or contradictory enactment, but the same is *ipso facto* void, and may at any time be declared to be so, notwithstanding its temporary allowance by an inadvertent order in council.

Sections.

And makes it lawful for the colonial governments to establish and execute all such regulations as aforesaid; provided the same be not "in anywise repugnant or contradictory to this present Act or any part thereof," or otherwise the same shall be and are declared to be "absolutely null and of no effect."

17. *Vide* Act No 1, s. 44, and Notes.

17. Makes absolutely null and void all colonial regulations authorizing the person entitled to the services of the apprentices, or any other person than the special justice, to punish apprentices for any offence by whipping, beating, imprisonment, or otherwise howsoever, or by any addition to the limited hours of labour, or authorizing any court, judge or justice to punish any female apprentice by whipping or beating her person, excepting any law or police regulation in force against "all other persons of free condition."

18. *Vide* Act No. 1, s. 44, and Notes.

18. Makes absolutely null and void all colonial regulations authorizing any magistrate or justice, except a special justice, to take cognizance of any offence, breach, violation or neglect of obligation, question, matter or thing incident to or arising out of the relations subsisting between apprentices and the persons entitled to their services.

19. *Vide* Act No. 1, s. 44, and Notes.

19. Gives exclusive jurisdiction over the last-mentioned matters to the special justice, but reserves the powers of the supreme courts of record and the superior courts of civil and criminal justice.

20. *Vide* Act No. 1, ss. 22. 26, &c.

20. Makes absolutely null and void all colonial regulations (excepting as thereinafter mentioned) for prolonging the term of apprenticeship, or enforcing additional labour for the benefit of the person entitled to service for more than 15 extra hours in the whole in any one week; provided that in case of wilful absence the apprentice may be compelled to serve the absent time, or otherwise make satisfaction for such absence, within seven years after the expiration of the apprenticeship, except so far as he may have already served during the apprenticeship, or otherwise made satisfaction.

21. *Vide* Act No. 1, s. 59.

21. Exempts from all apprenticeship labour on Sundays, except in works of necessity or in domestic services, or in the protection of property, or in tending of cattle, and secures the free religious worship of the apprentice on that day, without let, denial or interruption whatsoever.

22. *Vide* Act No. 1, s. 61.

22. Enables colonial regulations to exempt apprentices from certain civil and military services, and from arrest and imprisonment for debt, and to disqualify them from enjoying certain civil and military offices and political franchises.

23. The design of this clause was to admit only of such colonial regulations as might appear to be real improvements in the original Act, with a view to the benevolent objects contemplated by it. Until such modifications should be allowed, and subject to them when properly allowed, the Imperial Act was to assume a permanent control over the colonies, and to become the test by which all future colonial regulations should be tried. From the language of this clause, as connected with clauses

23. Enacts, that in case the governor, council and assembly of any colony aforesaid, shall by any act of general assembly, substitute for the several enactments thereinbefore contained, or any of them, any enactment accomplishing the several objects contemplated by the hereinbefore enactment, "as fully and to the like effect, but in a manner and form better adapted to the local circumstances of any such colonies or colony, and in case His Majesty shall by any Order or Orders

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
clauses 16, 17, 18. 20, it is plain that the enactments of the Imperial Act were intended to be substantially final, and to overrule any contradictory, repugnant or defective enactment which might be inadvertently allowed by an order in council. It is to be particularly observed, that no colonial substitutions whatever are possessed of even a temporary validity until allowed and proclaimed according to the forms prescribed in this clause, until which time such enactments are incomplete, and their practical recognition as laws by any governor, or other official person, would seem to amount to a high breach of official duty.	Orders to be by him made, by the advice of his Privy Council, confirm and allow any such Act or Acts of Assembly, and shall in and by such Order or Orders in Council, recite and set forth at length the several provisions and enactments of this present Act, for which such other enactments as aforesaid shall have been substituted by any such Act or Acts of General Assembly, then and in such case so much and such parts of this present Act as shall be so recited and set forth at length in any such Order or Orders of His Majesty in Council shall be suspended and cease to be of any force or effect in any such colony from and after the arrival and proclamation therein of any such Order or Orders of His Majesty in Council, and shall continue to be suspended so long as such substituted enactments shall continue in force and unrepealed, and no longer."
44. This clause indicates the general intentions of the Imperial Parliament to exercise the right of final revision over the whole question.	44. Enacts, that no part of the compensation shall be paid until an Order in Council shall declare that adequate and satisfactory provision hath been made by law in the colony for giving effect to this Act; the Order to be duly certified and transmitted to the Treasury, published three times in the London Gazette, and laid before Parliament.
46. This clause seems to indicate the propriety of reconsidering some of the subsisting rules on this subject.	46. Enacts, that no compensation shall be paid for persons illegally registered and held in slavery; and that this question shall be decided according to such rules of legal presumption and evidence as are or shall be established by any law in force, or which shall be in force in the colony.
58. This clause has reference only to the conflicting claims of compensation, and cannot conclude the personal right of the negro at any time to establish his claims to freedom.	58. Enacts, that the adjudication of the Commissioners, unless appealed against, shall be final.
	61. Enacts, that special justices shall have the same powers in the colonies as justices and general sessions in England, under the 52 Geo. 3, c. 155.
	66. Enacts, that dependent islands and territories shall be taken to be parts of the colonies to which they respectively belong.

DRAFT General Order in Council for carrying the Apprenticeship System into operation in the Colonies. Enclosed in a Circular Despatch of the 19 October 1833.

A General Order for such a purpose requires to be considered with a full recollection of he difficulties to be encountered, the novelty of the experiment, and the limited information possessed on some important points of practical application. Such a document of course admitted a greater generality of expression than would be suited to actual legislation; and might be expected to exhibit some omissions and defects which further consideration would correct and supply.

It would furnish, however, no apology for a departure from the spirit and intention of the Imperial measure; no justification of unsound or dangerous principles, nor, where positive enactments are recommended, any excuse for such as are unjust, arbitrary or inefficient.

This general order has, without doubt, undergone much careful consideration, but it still seems open to various objections and amendments, which will form the subject of the following comments:

Cap. I. Appears to require no remark.

Cap. II. The right to complain is the safety-valve of society; the right of redress is the foundation of allegiance. Some of the enactments of this chapter appear to endanger both; the power hereby given to a single justice to dismiss complaints, to sanction compromises, and to punish frivolous, vexatious or malicious complaints, should be restricted to the authority given under similar circumstances to magistrates in Great Britain; the discretion of a special justice should be limited to questions of law and of fact. Where these are decided, the

right

No. 2. Analysis of Abolition Acts.

right to proceed with a legal charge ought not to depend on the will of the justice; a legal charge once proved ought never to be punished nor dismissed with cost as frivolous; a legal charge ought never to be deemed vexatious where probable cause existed; nor punished as malicious, except in the absence of probable cause, and in the case of actual damage legally proved. The power given by s. 17 to inflict unlimited extra labour, is not only dangerous, but repugnant to the spirit of the Imperial Act.

Sec. 27, 28, 29. An impartial magistracy is essential to the success of the apprenticeship system. Its efficiency is endangered equally by impunity and intimidation. These clauses afford no sufficient protection to upright magistrates, who, in the performance of invidious duties, require the official assistance of the law officers of the crown; which they should enjoy in all cases except prosecutions or suits brought against them by apprentices.

Cap. III. The clauses under this head appear to be defective in the following particulars: No notice required to be given to apprentices; a merely contingent right of appeal, depending on the doubts of the registrar; no sufficient facilities nor securities for appealing with success; a limitation of the time for appealing, which ought to be commensurate with the existence of the apprenticeship; no sufficient penalties for neglect to register, nor for falsification, and no compensation to the injured apprentice in such cases. A general Order in Council might with propriety have suggested specific and adequate provisions on each of these topics.

Cap. IV. Considering the absolute necessity of adequately providing for the maintenance of apprentices, and the probable apathy of the colonists on this vital subject, it appears to have been treated in this chapter with incautious brevity. The Imperial Act, ss. 11, 16, requires, that where existing laws are inadequate, they must be supplied by fresh enactments. This is not even alluded to. Great laxity in such cases has consequently been exhibited by most of the colonial legislatures; while penalties are neither overlooked nor spared in cases of misconduct on the part of apprentices; it is somewhat singular that this chapter merely suggests the propriety of penalties in cases of misconduct on the part of the employers; the result has been, that penalties much less severe, and securities much less valid than those provided under the Jamaica Slave Code, have been generally adopted and allowed. The specific penalties introduced into subsequent Orders in Council for the Crown colonies, amounting to twice the value of the articles withheld, considered in connexion with the difficulties in the way of redress, and the chances of escape, afford nothing like adequate protection.

Cap. V. Provides for the duties to be performed by apprentices, and the penalties on their misconduct. It might have been intimated, that in all possible cases compensation should be made by the apprentice during the original apprenticeship; and that in cases justifying the imposition of extra labour of necessity, the apprentice would be entitled to remuneration.

Sec. 8. This clause, considered as the model of a positive enactment, exhibits most of the defects of penal legislation, viz.

1. An unlimited power of inflicting extra labour given to the justice.
2. A generality of expression which extends the maximum punishment to the minutest possible offences.
3. An undue severity arising out of this generality of expression, united to the power of inflicting aggregate punishments.
4. The appropriation of penal labour to the benefit of the master, a principle condemned even in convict colonies, and giving to the master a direct interest in the misconduct of the apprentice.

The proviso is likewise objectionable in giving to the ordinary magistrates a right of interference with matters incident to the apprenticeship condition; and thereby bestowing on the master the unfair advantage of a choice between two tribunals.

The same powers of inflicting unlimited penal labour, and of appropriating it to the benefit of the master (powers fully appreciated, as will afterwards be seen, by the colonial legislatures), appear in several other clauses of this chapter. And the generality of the language employed in s. 12 extends it to cases which require the modification of circumstances to bring them within the scope of penal legislation.

The power given by s. 14 to a single magistrate to refer any apprenticeship case to a superior court, though intended doubtless to secure more complete justice, seems calculated, under the present system of administering justice in the colonies, to defeat the object altogether, and to enable any special magistrate to deprive an apprentice of the prompt and certain redress provided by the Imperial Act.

Cap. VI. Sect. 3 to 12. These clauses providing for contracts appear to be very defective; as apprentices entering into voluntary contracts are, in all cases, liable to the pains and penalties of compulsory labour, they ought to enjoy the protection in all cases (and at any expense of convenience) of previously written agreements, containing the particulars set forth in ss. 5, 6, 7. The present provisions may be easily evaded by making fortnightly agreements, which will not require the inspection or sanction of the justice. Section 12 is ambiguous; if it be intended to compel apprenticed children under the age therein mentioned, without their consent, to perform contract work entered into by a majority of the other apprentices, it is clearly repugnant to the Imperial Act, since s. 16 of that Act requires in all such cases the voluntary consent of an absolute majority of the whole gang, children of course included.

Sec. 13, 14. The danger of investing a single justice with such a power as mentioned in s. 14, has been already adverted to. The inadequacy of the protection herein provided against cruelty forms a striking contrast to the far more stringent, yet still ineffective provisions, of the Jamaica Slave Code, ss. 30 to 33, in similar cases.

No. 2. Analysis of Abolition Acts.

Cap. VII. Provides for offences committed by apprentices against the State.

Sec. 4. Was found to be too restrictive, and was accordingly relaxed, as appears in the Mauritius Order in Council, cap. 7, s. 4.

SS. 6, 8. Powers so formidable as the putting down of whole communities appear fit to be exercised by the governor only, on an enlarged view of the necessity of the case.

Sec. 7. Appears to be retrospective, and the penalty is too great to be inflicted summarily by a single magistrate.

SS. 9 to 13. Provide specially for cases which ought to be regulated by a general law. Parental affection is not wanting among the negroes, and no peculiarity distinguishes them, except what arises out of the misfortune of their present condition. A misfortune ought in no case to be the subject of harsh legislation. The British Acts in similar cases require, not only that the parent should be able to "work," but able to "provide," for his children, and in case of neglect, compel him to do so; in the first instance by an order, which only when disobeyed occasions a more peremptory procedure. The negro's ability to provide for his children must depend mainly on the conduct of the master towards him; on the fulfilment of the general duties of an employer towards an apprentice; on a sufficient allowance of food or provision ground, of time, and of the opportunities of profitably employing "extra labour" on his exemption; in short, from those various modes of oppression which, by reducing his means to the bare personal subsistence provided by law, leave nothing for the support of his helpless offspring. The general language of clause 9 makes it repugnant to the Imperial Act, as it includes a class of apprentice children for whom the master himself is bound to provide. The clause can only properly apply to children who were under the age of six years on the 1st of August 1834, or born since that period.

Sec. 14. Should at least except cases of *bonâ fide* claim or supposition of right to possession.

Cap. VIII. Provides for compulsory manumission, and, *in favorem libertatis*, should have expressly fixed as the basis of future calculations, the fee simple value of the negro as ascertained before the 1st of August 1834. It could never have been intended that the Act of Abolition, by enhancing the value of the services of the apprentice, should interpose new obstacles to his compulsory manumission.

The remaining chapters of this Order appear to require no particular comments.

JAMAICA.—No. 1. Passed 12th December 1833.

This Act was allowed, and adequate provision declared to have been made in this colony, by an Order in Council of the 19th March 1834.

Notes and References.	*Sections.*
2. The Jamaica Slave Code exempted from hard labour every female having six children, and secured her a comfortable maintenance. This indulgence ought not to be discontinued; and in the case of the aged, infirm, diseased children and pregnant women, not absolutely unfit for work, the Justice should possess the power of regulating their services, and of suspending them at his discretion.	2. Adopts the second section of the Imperial Act, except that it employs the words "if THIS Act had not been made."
4. This clause has been amended by Act No. 2, ss. 1, 2. Nothing, however, appears respecting the mode of registration and classification, on which subjects *vide* Barb. Ab. Act, ss. 4 to 10, and other parts of the general analysis.	4. Adopts the Imperial Act, sec. 4, except as to time, which is made to run from the passing of the Colonial Act.
9 to 13. These clauses are at variance with the spirit of the Imperial Abolition Act. As two out of the three arbitrators are to be ordinary justices, they in effect give the power of fixing the value of the slave to a class of persons who are most interested in enhancing it. The valuation ought to be made by special justices alone, and the fee simple value of the slave, as ascertained by the colonists themselves previously to the 1st August 1834, ought to form the basis of calculation for the few years that remain.	9 to 13 inclusive. Enact, that in case the person entitled to the services of the apprentice shall refuse or be unwilling to discharge him, the apprentice may apply to the nearest special justice. The master shall then appoint a justice, and these two shall associate with themselves another justice, but in case they cannot agree in the choice of a third, the custos or senior magistrate, or if he be interested, the next magistrate in seniority, shall appoint a third. These arbitrators are to fix the value of the apprentice, on payment of which he shall be discharged. But in case the person entitled to the services of the apprentice shall refuse or neglect to appoint a justice, the choice of such justice shall be left to the special magistrate.—*Vide* Imp. Act sec. 8.
14, 15. These	14, 15. Provide

No. 2. Analysis of Abolition Acts.

Notes of References.	*Sections.*
14, 15. These clauses should contain a specific provision for re-uniting families, and giving other redress in case of illegal separation, or of loss of property consequent upon sudden removal.	14, 15. Provide for the non-separation of families by order of special Justices, or in case of sale.—*Vide* Imp. Act, ss. 9, 10.
16. This clause is an obvious limitation of the Imperial Act, s. 11, which included all laws existing in the colonies, and therein comprised those settled and reasonable customs which in all countries have the force and operation of laws. The practical effect of this limitation has been in many instances to exclude "customary allowances and indulgences" not expressly included in this single statute. They were thus enumerated some time since by the planters of the parish of Trelawney, viz.: A weekly allowance of herrings and salt cod; fish; also oatmeal, flour, sugar, rum, &c., and sundry articles of clothing at crop over, and Christmas, as rewards for good conduct; and to women with six children, a weekly or daily allowance, according to their respective cases, of rice, sugar, &c., and this "&c." has been practically understood to comprise the time allowed to mother's nursing, and the employment of a certain number of negroes in cooking and preparing the labourers' meals, and in short, most of those other conveniences which experience had proved to be indispensable. If any doubt existed respecting the meaning of the Imperial Act, or the legal nature of customary allowances, the spirit and intention of the Imperial Act, and its character as a remedial statute, should decide the question. An Order in Council now seems requisite to settle the law and practice in this matter. In addition to the withholding of "customary allowances," it appears that salt, an essential article of food, is now withdrawn, and the duty of providing clothes once a year is occasionally evaded for want of a date in each year, or the use of the words "in each twelvemonth." It appears likewise that medical attendance has hitherto been very inadequately provided in Jamaica, where the practice frequently obtains for the master himself to dispense medicines. The extreme importance of this branch of duty has been noticed in subsequent comments on the Barb. Ab. Act, s. 34. No specific mention is made of lodging in this clause; and it is matter of regret that in a legislative provision for so numerous a population, the quantities and qualities of the articles to be supplied were not specifically mentioned in the Act which entitles the owner to compensation. The insufficiency of the penalties for non-performance of these duties will be noticed in remarks on subsequent clauses.	16. Limits the supply of food, clothing, lodging, medicine, medical attendance, and such other "maintenance and allowances" as by "any" law in force in the colony at the passing of the Imperial Act belonged to slaves of the same age and sex.—*Vide* Imperial Act, s. 11, to the provision made by one single Act, intituled "An Act for the Government of Slaves."
	17. Utterly abolishes slavery in Jamaica, but subjects the apprentice to the obligations imposed by that Act.—*Vide* Imp. Act, sec. 12.
18. This clause accords with the letter, but it is at variance with the spirit, of the Imp. Act. The preamble of the 13th section of that Act supposes an absolute destitution, which is the only case that could justify a provision of this kind, but even then the death or absence of the parents, or their actual inability to maintain the child, and next the refusal of near relatives, or their inability, ought to be preliminaries to the magistrate's adjudication, and which ought never to be made until such reasonable notice has been given to the relatives and to the public, as may enable any third person to come forward and guarantee the child's future maintenance. Ample returns of the names of all children so bound, of their ages, of the names of their parents and of the owners of the estates, with the causes inducing the Justice to bind the child, should be made to the local government, and annually laid before Parliament.	18. Provides for the future apprenticeship of children unprovided with an adequate maintenance, and within the age specified by the Imperial Act, sec. 13.—*Vide* Imp. Act, sec. 13, and preamble thereto.
19. Subsequent clauses of this Act having invested the special justices with powers and a discretion at variance with the spirit of the Imp. Act, the present clause will, at a future time, require reconsideration.	19. Enacts the appointment of special justices, as in the Imperial Act, for the purpose of giving effect to "this" Act, and to any laws which hereafter may be made for giving more complete effect to the same.—*Vide* Imp. Act, s. 14.

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
22. 26. These clauses commence a series of enactments, which adopt a principle opposed to sound policy, and at variance with the spirit of the Imperial Act; viz. the appropriation of extra labour, by way of punishment, to the benefit of the master, giving him a direct interest in the delinquency of the apprentice, and removing the main check on vindictive feelings. It is true that sec. 20 of the Imperial Act authorizes compensation for wilful absence to be made by extra labour, either during the original apprenticeship or within seven days afterwards, but extra labour in that case is limited to the amount of actual absence; and although by a prior part of the clause extra labour for more than 15 hours per week is prohibited for any offence, it by no means necessarily follows from this phraseology that any other species of offence than wilful absence, or any greater amount than simple compensation, were intended, especially as the clause is of a protective character; the principle in question is confessedly unsound, and other modes of punishment for other offences were of easy application. The objection is taken to these clauses as belonging to a class, but the principle is more palpably mischievous when applied, as in subsequent clauses, to offences occasioning no loss of service to the master. The severity of these clauses need not be insisted upon, as the principle on which they are founded appears radically objectionable. So long, however, as they continue in force, the infliction of extra labour, so as to interfere with necessary repose, ought to be prevented. The clauses now permit an apprentice to be kept to labour for 33 hours in succession. It may be remarked in respect to flogging, that the Jamaica Slave Code, s. 34, prohibited a second infliction until the former wounds were healed, under a penalty of 20 *l.*, or imprisonment for 10 days, besides prosecution as for an offence against that code.	22. 26. Declare the necessity of regulations for the purposes mentioned in the Imperial Act, s. 16 (No. 2), and enact that wilful absence of the apprentice for half a day, or any shorter period, shall incur a forfeiture to the employer of not more than one whole day of the apprentice's own time; more than half a day, a forfeiture of not more than three whole days, to be so divided as not to impose more than 15 hours of extra labour in any one week; two successive days' absence, or two distinct days within the same fortnight, make the offender a deserter, with punishment by hard labour in the penal gang of the parish, or in the house of correction, for not more than one week, or by flogging not exceeding 20 stripes; three or more successive days' absence within the same fortnight make the offender a vagabond, with punishment by hard labour in the house of correction, or the penal gang, for not more than 14 days, or by flogging not exceeding 30 stripes; one entire week's absence or more incurs, in addition to hard labour as aforesaid, the punishment of flogging, not exceeding 39 stripes. *Vide* Imp. Act, s. 16; also Ditto - s. 20.
27. This clause is not only inconsistent with the spirit of the Imperial Act, but also with the Draft Circular Order in Council. The draft Order subjected to punishment apprentices found wandering beyond the "district;" here the word "plantation" is substituted. The Order permitted a special justice to grant a pass. The Act confines the permission to the "employer." The clause, as it now stands, operates as an imprisonment on the plantation, and interferes with proper intercourse between husband and wife, parent and child, and other relations residing on different plantations. The Third Jam. Act, s. 6, (disallowed) added fresh restrictions to this clause.	27. Enacts that an apprentice found wandering beyond the limits of the plantation, without a written permission from his employer, and unable satisfactorily to account for himself, may be punished as a vagabond, provided the apprentice be not on his way to or from a place of worship, or a market, or at either of such places, and provided that this clause do not abridge or interfere with the apprentice's own time.
28. This clause, like many others, is extremely defective in classification, a fault of the highest kind in enactments where a maximum punishment is necessarily fixed, and much is left to the discretion of the magistrate. Positive refusal to labour ought not to be classed with simple neglect, nor simple neglect with wilful negligence, producing actual injury to property; still less ought drunkenness, occurring in the negro's own time,	28. Enacts that an apprentice refusing or neglecting any labour required under this Act, or by wilful negligence damaging property, or being guilty of drunkenness, shall forfeit to his employer not more than four days' labour, or receive not more than 20 stripes; but for a second offence within one month the punishment is double; proviso for the infliction of not more than 15 hours of extra labour in any one week.—*Vide* Imp. Act, s. 16 (No. 2).

Notes and References.

Sections.

No. 2. Analysis of Abolition Acts.

time, and occasioning no injury to the master, to belong to a class which enables the justice to inflict a punishment too severe perhaps in the worst cases.

The appropriation of penal labour to the benefit of the master, in a case where not only no loss of service occurs, but where no injury whatever may have been sustained, shows the mischief of the principle more plainly than in the preceding clauses.

29. The same inequality exists among the offences mentioned in this clause. The severity of the punishment of mere insolence may be contrasted with the absence of all checks on the vexations that may provoke it.

29. Enacts that insolence or insubordination shall be punished with not more than two weeks' hard labour in the house of correction, or in the penal gang, or by stripes not exceeding 39.

Vide Imp. Act, s. 16 (No. 2).

30. The same want of classification, tending to undue severity, appears in this clause. If simple carelessness, merely endangering property, be punishable, it should belong to a minor class of offences, and be visited with corresponding leniency when injury has been actually done to property of a trivial value, and without a decidedly criminal motive, such as the occasional plucking of cane heads, &c., the payment of the damage would be sufficient. In no case should a single justice be permitted to inflict the maximum punishment. But this clause is open to a more serious objection, viz. that of being directly repugnant to a very important principle of the Imperial Act.

The Imp. Act, s. 16, certainly does allow the punishment of conduct tending to injure the property of the employer, but this clause extends the provision to the property of any other person, thus completely altering the character of the provision, and counteracting a main design of the Imperial Act, which, while leaving to colonial regulations all matters arising out of the relations subsisting between master and apprentice, expressly confers on the apprentice, in regard to third persons, the character and rights of a freeman, and subjects him as such to the sole coercion of ordinary laws.—*Vide* remarks under clause 44 of this Act.

30. Enacts that endangering the property of the employer, or any other person, by the careless use of fire, ill-using cattle or other stock, wantonly destroying or injuring property entrusted to the apprentice, shall be punished with hard labour in the house of correction, or in the penal gang, for a period not exceeding three months, or by stripes not exceeding 50.

Vide Imp. Act, s. 16 (No. 2).

31. Cases of riot ought not to be summarily tried and punished by a single justice, both on account of the serious character of the offence and the severe punishment which a conviction necessarily involves.

31. Enacts that in cases of riot, or combined resistance to the laws, by three or more apprentices, the police shall act as they shall be directed by a special justice; and the offender shall be punished by hard labour as aforesaid, for any term not exceeding six months, or by stripes not exceeding 50.—*Vide* Imp. Act, s. 16, (No. 2.)

32. Mere disputes among the apprentices, not seriously endangering the public peace, ought not to be interfered with by the common justice.

32. Inflicts the same punishment on apprentices not dispersing at an appointed signal, and provides that in the absence of a special justice, any justice may interfere to quell riots or disturbances among apprentices.—*Vide* Ibid.

33, 34, 35. The first of these clauses is too vague; some such words as these ought to be added, "Provided always, that no knife, bill, axe, scythe, sickle, field-cutlass or other article commonly used for domestic, agricultural or manufacturing purposes, shall be included in the term 'offensive weapon.'" The propriety of investing a private individual (to the exclusion of the magistracy) with the power to licence the carrying of arms, seems very questionable. The second clause may occasion much unnecessary severity. The last clause is open to the common objection of giving to the master an interest in the punishment of the apprentice, making the same individual the granter of the licence, the executioner of justice, and the beneficial receiver of the penalty.

33, 34, 35. Prohibit apprentices from keeping gunpowder, guns, &c., "or any other offensive weapon," without the consent of the employer, and inflict the punishment of 39 lashes, and imprisonment not exceeding one month in the penal gang, or in the house of correction, or any two or more of these punishments for this offence; and authorize the master, manager or lawful employer to seize such articles, and retain them to his own use.—*Vide* Imp. Act, s. 16, (No. 2) and s. 22.

No. 2. Analysis of Abolition Acts.

Notes and References.

36. So severe a preventive punishment ought not to be inflicted summarily by a single justice.—*Vide* 2 Jam. Act, s. 14, in connexion with this subject.

37. This clause differs from clause 22, &c. in being conformable to s. 20 of the Imperial Act.

38. As this clause may easily be abused, to the prejudice of the apprentice, the required sanction of the magistrate should never be granted, except on personal inspection; and the equivalent labour should be ascertained and fixed by him on sufficient legal evidence.

39. This clause is utterly repugnant to the spirit of the Imperial Act. Estate constables, as such, ought to be independent of all authority except that of their official superiors; especially of the authority of their masters; and be personally responsible for their conduct, precisely as ordinary constables. Their duties and powers, in short, should be the same, and all abuses of their authority should be visited by specific penalties, and compensation to the injured party. Imprisonment by way of detention authorized by this clause, in the first instance for a limited number of hours, but capable of being indefinitely prolonged, at the slight risk of a small fine for flagrant abuse, seems, in connexion with the enactments in clauses 53, 54, 55, to be a virtual restoration to the master of the power of punishment for minor offences.

The right to arrest and detain should be limited to the cases in which freemen amenable to the laws are so liable, and offenders should be conveyed "forthwith" before the nearest special justice, under severe penalties, and compensation as aforesaid.

40. The appropriation of penal labour to the benefit of the master has been already objected to. The infliction of any punishment for a mere error of judgment, or excess of sensibility, seems unreasonable, and is obviously calculated, by making complaints dangerous, to give impunity to much oppression and injustice. The clause should be reduced to a compensation for the loss of time when the complaint amounts to no legal charge, or proves to be unfounded, to which cases alone the power of a magistrate to dismiss a complaint should be confined.

42. This period should in no case exceed that of hard labour awarded by the original judgment.

44. A reference to section 16 of the Imperial Act will show that the officers intended to be subjected to colonial regulation were such only as were incident to the new condition of apprenticeship; but this clause, as explained by the Second Jamaica Act, s. 26, includes all offences whatever determinable before a single magistrate, even if committed against

Sections.

36. Inflicts the punishment of hard labour in the house of correction or the penal gang, not exceeding six months, or stripes not exceeding 50, for quitting, or attempting to quit, the island, without a written permission from the employer.—*Vide* Imp. Act, s. 16, (No. 2.)

37. Enacts that wilful absence for more than one day at a time, or during 14 days, shall be made up to the employer by extra labour, yet so as not to impose more than 15 hours of extra labour in any one week, and so as that compensation be made within seven years after the apprenticeship.—*Vide* Imp. Act, s. 20.

38. Authorizes the employer, with the written sanction of a special justice, to put the apprentice's house and provision-grounds in order, and to deduct an equivalent out of the apprentice's own time, not exceeding 15 hours in any one week.

39. Enacts and requires the appointment on every plantation of apprentices as special constables, who shall be empowered to maintain peace and order, under the direction of the proprietor or manager, and to secure in confinement all offending apprentices who belong to the plantation, or other apprentices found loitering thereon, until the attendance of a special justice can be procured; provided that the proprietor or manager may, if he please, release such apprentices after the expiration of 24 hours, if the attendance of the special justice cannot be previously procured, and provided in such case that the complaint be preferred at the justice's next visit.—*Vide* Imp. Act, s. 16, (No. 2.)

40. Punishes frivolous or groundless complaints with double the loss of time, not exceeding 15 hours in any one week, or with stripes not exceeding 20.

42. Substitutes solitary confinement in any case for flogging or hard labour, at the discretion of the special justice, but limits it to 10 days.

44. Enacts that all other inferior misdemeanors and other crimes committed by apprentices against each other, or against the lawful employer, or against any other person, shall be decided by a special justice, and punished by stripes not exceeding 50, by imprisonment with hard labour not exceeding three months, or by solitary confinement not

Notes and References.

against any other person than the master or a fellow apprentice.

This objection has been already taken under clause 30 of this Act; in addition to which, this clause reserves the right of all persons whatever to proceed for such wrongs or injuries before the court of quarter sessions, thereby giving to masters, in direct violation of the Imperial Act, s. 18, a right to carry certain offences already provided for by clause 30 of this Act, and incident to the condition of apprenticeship, before the general magistrates, and at the same time enabling other persons, not themselves either masters or apprentices, to proceed against apprentices before a special justice for offences arising out of the apprenticeship condition, or incident to it. To both descriptions of prosecutors the clause gives the choice of a second tribunal, and new punishments more prompt and more severe, it may be presumed, than those of the ordinary tribunals.

The last provision of this clause gives to the special justice an unlimited discretion to inflict extra labour, which, being decidedly opposed to the spirit of the Imperial Act, and inconsistent with the provisions of clause 28 of this Act, is *ipso facto* null and void, and ought to be forthwith rescinded.

None of the maximum punishments under this clause ought to be inflicted summarily by a special justice.

45, 46. These enactments belong to a clause, *vide* Imperial Act, s. 16, (No. 3), very inadequately considered by the colonial legislatures generally. The words "adequate in quantity and quality, and at a reasonable distance," are not sufficient for the purpose, and the penalty on refusal or neglect is extremely inadequate. It should be the *ex-officio* duty of the special justice to inquire into each of these particulars, and on all estates to fix the minimum quantity and the maximum distance. The penalty ought likewise to afford a compensation to the injured apprentice, and no neglect of cultivation should operate as a bar to redress where the inadequacy of the ground is otherwise apparent. Time ought likewise to be allowed to the apprentice at the expiration of his apprenticeship to remove his stock and crop, without which the cultivation of the last year will be neglected. Clause 21 of the 2d Jamaica Act increases the rigour of this clause, without removing the objections here stated.

It is worthy of remark, that the Slave Code, ss. 11. 13, compelled the master to make oath, once a year, that he had supplied ample provision-grounds, or made ample provision in some other way, under a penalty, for either refusing the oath or neglecting the duty, of 20 *l.*

47. The discretion hereby given to the employer as to the allowance of time, is inconsistent with the security of the apprentice, and tends to neutralize the provision made by s. 16 of the Imperial Act (No. 3); under this clause, the time may be divided into such small portions, or allowed at such unfavourable seasons, as to be useless for the purpose of cultivation. The whole of the time allowed by law ought to be enjoyed in each week, unless deferred with the consent of the apprentice, or with the written sanction of the special justice, on sufficient cause shown by the employer. In all cases the time requisite for going to and returning from the provision-ground should be allowed to the apprentice. Compensation should be given to the injured apprentice in addition to the penalty; and mutual contracts under this clause, as in other cases, should only be for a limited period, and under the written sanction of the special justice. Any contracts tending to discourage the private industry of the apprentices seem indeed at variance with the policy of the Imperial Act. The Slave Code, s. 8, inflicted a penalty of 20 *l.*, instead of 40 *s.*, for the offence of withholding time from the slave.

Sections.

not exceeding 20 days. Proviso to except females from flogging or beating. And proviso not to deprive any of His Majesty's subjects of the right to proceed against apprentices in any of the superior courts, or any court of quarter sessions, or common pleas, for any wrong or injury done against the person or property of such subject. And proviso also, that in cases of indolence or neglect, or improper performance of work, the special justice may sentence the offender either alone, or in addition to flogging and hard labour as aforesaid, to extra labour for the benefit of the employer, for any such number of hours or days as the justice of the case may seem to require, not exceeding 15 hours in any one week.—*Vide* Imp. Act, s. 16, No. 2.

45, 46. Enact that prædial apprentices so to be maintained shall be supplied with provision grounds, adequate both in quantity and quality, and at a reasonable distance, under a penalty of 5 *l.* for each offence, but this provision is limited to the term of apprenticeship, and the grounds heretofore allotted to the apprentices being slaves, are to be deemed adequate, unless sufficient cause be shown to the contrary, and on complaint, the apprentice must show that his grounds have been properly cultivated.—*Vide* Imp. Act, s. 16, (No. 2.)

47. Fixes the time allowed for the working of provision-grounds at four hours and a half per week, to be allowed on any day or days in any one week, or by any number of days consecutively, at such period of the year as may best suit the employers, under a penalty of 40 *s.* for each offence; such allowance of time not to exceed three days in succession, and the employer may agree in writing to pay money in lieu of time, which money may be summarily recovered by distress and sale.

No. 2. Analyis of Abolition Acts.

Notes and References.

48. This clause affords no sufficient protection to the apprentice against the unjust privation of his provision-ground, and no compensation where it occurs.

The absolute necessity of such a privation should be previously established before two special justices, who alone should possess the power of deciding on the sufficiency of the substituted maintenance. A compensation ought likewise to be awarded to the apprentice for the loss of the profits of private industry, over and above the subsistence it procures; or an adequate portion of the time allotted for cultivation should still be allowed him to dispose of for his own private benefit as before.

The insufficiency of the penalty in this clause, appears from a comparison with the Slave Code, ss. 13, 14, which inflict a penalty of 20 *l.* under similar circumstances.

Sections.

48. Enacts, that where there is no land fit for provision grounds, or the same are unproductive, the person entitled to the services of the apprentice shall supply other and ample maintenance, under the penalty of 40 *s.* for each offence; and in case of such other provisions, the time allowed for cultivation shall cease.

49. This clause, in compliance with s. 16 (No. 3), of the Imperial Act, establishes the general jurisdiction of the special justices over the persons entitled to the services of the apprentices; but for most of the purposes of that section it is extremely defective. In more flagrant cases of cruelty and injustice the decision of a special justice is not sufficiently solemn, and, compared with the severe punishment inflicted on the apprentice, the maximum penalty of this clause (the infliction of which is not even rendered imperative on the justice) appears wholly inadequate, especially as it affords no compensation to the injured apprentice; and his right of proceeding before the superior tribunals in civil cases (extended by s. 27 of the Second Jamaica Act, to proceedings by indictment) must be regarded in most instances as a mere nullity. Cases of omission or neglect (by far the most likely to occur) are, though expressly mentioned in the 16th section of the Imperial Act, wholly unnoticed in this clause. In order to place the coercive and the protective provisions of the Imperial Act on an equal footing, it seems necessary to increase the penalty of this clause, to make its infliction imperative, and to give the special justice the power of awarding compensation to the injured apprentice, in addition to the penalty. It seems highly desirable, likewise, to empower and require the special justices of each district to meet periodically in sessions, for the decision of graver offences and the establishment of general rules. And in certain cases of complaint, made either by the master or the apprentice, to require the justice to whom such complaint shall be made to associate with himself another special justice, in order to its determination; and where an employer or manager is charged with an offence cognizable likewise before the ordinary tribunals, and it shall appear to the justices, so associated together or assembled in general sessions, that such supposed offence demands a heavier penalty or punishment than they are authorized to inflict, that it shall be competent to them to refer the same to the superior tribunals, where all expenses of prosecution, and an adequate portion of the fine, should be allowed to the apprentice. Offences of omission or neglect ought likewise to be specifically mentioned in this clause, the continuation whereof, after due notice from a special justice, should, under all the clauses of these Acts, be deemed to amount to a refusal, and constitute a separate offence from time to time, until remedied. Peculiar cases of oppression or cruelty ought likewise to be specifically set forth in this clause; especially such as relate to the overworking or improper treatment of the aged and infirm, of pregnant women and children, and of non-prædial apprentices, a description of persons whose condition exposes them to the greatest probability of ill-usage. And a conviction for "excessive cruelty," either before two special justices or the ordinary tribunals, should, in addition to the punishment of the offender and compensasation to the injured apprentice, confer on the latter, *ipso facto*, the right to absolute freedom.

49. Enacts, that all frauds, refusals to furnish sufficient provision grounds or other maintenance, withholding time for cultivation of same, illegally imposing task-work, breach of contract, cruelty, injustice, or other wrong or injury, done or inflicted by the person entitled to the services of the apprentices, shall be decided by one (or more) special justice, and may be summarily punished by a fine not exceeding 5 *l.*, and in default of goods and chattels, by imprisonment not exceeding five days; proviso saving the right of the apprentice to proceed before the ordinary tribunals.

A comparison

Notes and References.

Sections.

A comparison of the provisions of this clause with the Slave Code, will show the inferiority of the present law in respect to penalties and securities. The Slave Code, s. 12 awarded a certain penalty of 5 *l.* for neglect of clothing; s. 13 compelled the master to make oath once a year that he had supplied sufficient clothing, provision-grounds and time, or ample provision in lieu thereof, under a penalty of 20 *l.* for refusing the oath or neglecting the duty; ss. 14, 15, gave a summary remedy to the extent of 25 *l.*, for abstraction by the master of the slave's property; s. 30 inflicted a fine of 100 *l.*, or 12 months' imprisonment, for cruelly whipping, imprisoning, or maltreating a slave, in addition to damages at law; and in atrocious cases the slave was to be liberated, and 10 *l.* per annum for life allowed him by the parish; and ss. 31, 33, enacted, that prosecutions and actions in such cases should be at the expense of the parish, and in the meantime the slave was to be removed from the custody of the master.

If such punishments as these, when the master had a more permanent interest in the services of the negroes, proved insufficient, it cannot be imagined that the slight and uncertain penalty of this clause will be of much avail.

50. This clause contains a direct, and as it regards the minor and most defenceless class of apprentices, a dangerous violation of the Imperial Act, s. 16, which requires in such cases the consent of a majority of the whole body of apprentices so to be employed. In any case, the discretion of the special justice should be so far limited, as to render the intermission of a certain number of hours of consecutive rest in each day imperative; *vide* the remarks on this subject in the analysis of the Barb. Ab. Act, ss. 79, 85, and *vide* the following section.

50. Enacts, that task-work, in cases of necessity, may be imposed with the sanction of the special justice and the consent of a majority of the apprentices, or of the adults among them.

51. These contracts, with their sanction, ought always to be in writing, and memoranda of the same retained by the special justices. It is difficult to reconcile this clause with that which immediately precedes it, except by supposing that this clause relates to cases not of necessity, and the former clause to cases in which the whole body of apprentices on the estate are not so employed.

51. Authorizes private contracts for one year, either for day or task work, provided the sanction of a special justice be obtained, and provided that no task-work be imposed upon any body of apprentices, except by consent of a majority thereof.

52. This clause provides no "sufficient words of obligation" to allow time for the "education and religious instruction of the child," as required by sec. 13 of the Imp. Act. Indentures of the description referred to appear to be insufficient for the objects above-mentioned.

52. Enacts that indentures of apprenticeship of children, under section 16 of Imperial Act (No. 4.), shall correspond as nearly as possible with parochial and municipal indentures in England, and shall be recorded in the secretary's office.—*Vide* Imp. Act, sec. 16 (No. 4.), and sec. 13.

53, 54. These clauses recognise the importance of the objects set forth in the Imp. Act, sec. 16 (No. 5.), but are extremely defective in the means employed for their accomplishment, and they violate the spirit of the Imp. Act by sanctioning imprisonment under circumstances which must necessarily lead to much irresponsible punishment. On plantations, containing upwards of 40 apprentices, 14 days may elapse without a judicial visit; during all which time no power is expressly given to the employer to take an apprentice charged with an offence before the nearest special justice; but in lieu thereof he possesses an indefinite power of imprisonment on the estate, according to the terms of clause 39. On plantations containing less than 40 apprentices, the power of taking the offenders before a special justice is expressly given, but it is not rendered imperative, nor are the visits of the special justices to such estates fixed to any certain periods, so that on all estates not only may gross abuses of

53. 54. Declare the necessity of regulations for the purposes set forth in the Imperial Act, section 16 (No. 5.) Authorize the governor to divide the islands into districts. Require that special justices be appointed for each district; that the justices should visit each plantation, containing upwards of 40 apprentices, one day at least in every 14 days, and oftener if required. Give necessary powers to the special magistrates to hear and determine accordingly; and authorize the imprisonment of apprentices on the plantations.

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
the power of imprisonment take place, but a virtual impunity is secured to the perpetrator by the prolonged or indefinite absence of the special justice, by whom alone they can be redressed.—*Vide* clause 39, and remarks thereon.	
55. To obviate these abuses the visits of the special justices to the plantations, or to the police stations, should in all cases be fixed at the shortest possible intervals. The apprentices on all estates should possess the right of immediately preferring their complaints before the nearest special justice, wherever he may be sitting, which seems now to be confined to estates containing under 40 apprentices, and the duty of forthwith conveying an apprentice in custody before the nearest special justice, should, as before observed, be in all cases rendered imperative on the employer or manager. And so long as the power of imprisonment on estates, either for safe custody or otherwise, is permitted, no place of confinement should be used until it has been declared wholesome and suitable by the certificate of a medical practitioner, and approved by a special justice, in default of which detention in such places should be deemed a false imprisonment, and be punished by fine, with compensation to the injured party.	55. Enacts that persons entitled to the services of apprentices on plantations containing less than 40 apprentices, shall be at liberty to take an offender before a special justice at the nearest place where he may happen to be sitting, and such apprentices may in like manner prefer their complaints, provided that after the appointment of police stations such offences and complaints from such plantations may be heard at such stations.
59. This provision seems too vague, another day may be no compensation for the loss of a general market-day. It seems but just that in such cases the apprentices should have the choice of compensation, either in money or time, to be determined in case of dispute by the special justice. Some regulations seem necessary likewise, in conformity with section 21 of the Imperial Act, to prevent the distribution of provisions and payment of wages at such times on Sunday as may hinder the apprentice from attending at places of worship. The same observation applies to market-days, the full enjoyment of which seems incompatible with the existence of the eight hours per day system, and works of necessity should, at least to a certain extent, be defined.	59. Abolishes Sunday markets, and gives the Saturday in each week to the prædial labourer in lieu thereof, and provides that persons engaged in works of necessity, tending of cattle, domestic services, or in protecting property, shall have some other day in lieu of Saturday.
60. Cases of "urgent necessity" are defined by the 2d Jamaica Act, clause 10, but in such cases remuneration should be given if demanded.	60. Enacts that in all cases of "urgent necessity," the continuous labour of the apprentice may be compelled during the emergency.
61. Although this clause appears to be necessary, and is not inconsistent with the Imp. Act, sec. 22, it lessens the value of the right reserved to the apprentice of appeal to the ordinary tribunals.	61. Exempts from arrest or imprisonment for debt, and from service in the militia, and deprives the apprentice of the right to serve as a juror.—*Vide* Imp. Act, sec. 22.
68. This clause leaves the apprentice in cases of injury without any summary method of obtaining compensation, none being provided by the Jamaica legislature.	68. Applies all fines and penalties to the use of the public.
69. This exemption, so far as apprentices are concerned, should be extended to all official fees.	69. Provides that no stamp duties shall be paid on documents required by this Act.
71. The allowance of this Act did not of course authorize the enactments of subsequent Acts, until approved and allowed by a fresh order in Court.	71. Enacts that this Act may be altered or explained by any other Act during the session.

No. 2. Analysis of Abolition Acts.

JAMAICA, (No. 2.)

Allowed in a Despatch, dated 15th January 1835.

Passed 4th July 1834; expired 31st December 1835.

Notes and References.	*Sections.*
3, 4. No provision appears to be made in this or the preceding Act for cases in which the owners are unknown, or absent from the colony.	1, 2. Rectify the date in s. 4, Jamaica Act, (No. 1.) 3, 4. Enable trustees and others possessed of limited interests in apprentices voluntarily to discharge them, and direct that appraisement shall be made in such cases by two justices, one of whom shall be a special, and the other a common, justice.—*Vide* Imp. Act, s. 7.
5, 6. The penalty on violating this clause appears from the preceding Act, s. 49, to be 5 *l.*; by the Slave Code, s. 23, offences of a similar kind were punishable by a fine of 50 *l.*	5, 6. Fix the hours of prædial labour, subject however to private contracts, to commence at sun-rise and end at sun-set, allowing such repose as shall leave nine hours per day for labour, which hours of labour are to be indicated by an appointed signal.—*Vide* Imp. Act, s. 16.
7. As the vestry is composed for the most part of planters, or certainly of persons liable to the parochial burdens, they cannot be considered impartial judges in this matter. It is not too much to suppose such a concert between them as may either put an end to voluntary manumissions, or encourage them, so as to throw a considerable number of helpless individuals, protected by the 7th section of the Imperial Act, on their own resources. This duty should devolve on special magistrates, whose decisions should in each case be reported to the governor. The Slave Code, s. 20, compels the former owner of manumitted slaves, unable to work, to provide for their maintenance, at the rate of 10 *l.* per annum, subject to a penalty of 100 *l.*	7. Enacts that an apprentice about to be voluntarily discharged by his master, and not being above 50 years of age, shall be brought by him before the vestry, to be approved and recorded as capable of maintaining himself, in default of which the employer shall be still liable, in case of need, for support and maintenance.—*Vide* Imp. Act, s. 7.
8. This clause appears to be an infringement of the Imperial Act, section 11, which secures to the apprentice, in all cases, at least the same medical assistance as he formerly enjoyed; cases of pretended illness require the oath of the medical attendant.	8. Enacts that medical assistance shall be administered in the hospital of the plantations, and that absence from labour under pretence of illness shall be made up to the employer; provided that where there is no hospital, the apprentice shall receive such medical assistance as is now customary.
9. This clause is unnecessarily severe, especially for injuries short of destruction; and *vide* the objections to such enactments more fully stated in the Jamaica Petty Trespass Act, s. 1.	9. Punishes the wanton destruction or injury of fruit and other trees, houses or outhouses, by hard labour in the house of correction or penal gang, for a term not exceeding three months, or by stripes not exceeding 39; or, if a female, by hard labour, not exceeding 20 days.
10. *Vide* Jam. Act, (No. 1.) ss. 60 and 49, for the punishment of illegally imposing task-work. Remuneration, where demanded, ought to be given to apprentices so employed.	10. Defines the words "urgent necessity" to be cases of hurricane, tempest, earthquake, flood, fire, or other misfortune, the act of God, and which could not have been prevented by the employer; and makes any other construction an offence against the Act.
11, 12, 13. Experience has already shown that these enactments are not sufficient for the protection of the magistrates; civil and criminal proceedings against special magistrates should be tried before a judge and jury totally unconnected with apprenticeship property; and, as public servants placed in an invidious position, their defence, except where proceedings are brought against them by apprentices, should be officially conducted by the Crown officers, subject nevertheless to the ordinary costs, damages and penalties on conviction or verdict against them; *vide* the recent case of Maclean *v.* Bourne, reported in the "Jamaica Watchman" of 23d January 1836.	11, 12, 13. Protect the special magistrates by enactments similar to those enjoyed by justices in England.

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
14. 16. The remarks on clause 36 Jam. Act, (No. 1), apply to these two clauses.	14. 16. Punish apprentices aiding others in clandestinely quitting the island, by imprisonment, with hard labour not exceeding three months, and, if a male, by whipping not exceeding 50 stripes or three months' imprisonment with hard labour. And require apprentices whose ordinary occupation is on the sea, to be registered as such, under pain, if without consent of employer, of imprisonment with hard labour, for not less than six weeks, nor more than three months, or whipping not exceeding 39 stripes.
17. This clause is open to the objections urged against the enactments of the Jamaica Act in aid of the Gaol Act, in similar cases.	17. Enacts that an apprentice absent without consent for one week, shall be reported a deserter, and a reward of 20 *s.* being paid for his apprehension, shall be repaid out of the deserter's own time.
18, 19. If this power be necessary, it should belong to the governor alone, and be exercised by him on his own official responsibility; nothing, however, seems to justify the destruction of the property of the offenders. The punishment of an apprentice merely on proof of his having inhabited such a settlement (an offence which appears to be retrospective) seems altogether unreasonable. No single justice should have the power of summarily inflicting the heavy punishment hereby proposed.	18, 19. Enact that if it be made to appear, to the satisfaction of any two special justices, that any apprentices have, without lawful authority, established themselves in any part of the island as a distinct community, habitually abandoning and neglecting to perform the duties imposed on them by law, such justices shall cause any such communities to be dislodged by the police of the district, and, if necessary, shall also cause their settlements to be taken down and destroyed, and any apprentice convicted of having been a member of such community, shall be imprisoned with hard labour for any term not exceeding six months, and, if a male, be so imprisoned, or receive 30 lashes in lieu thereof.
20. The arbitrary character of this clause, so far as it applies to apprentices, is inconsistent with the spirit of the Imperial Act. If penalties are necessary in such cases, they ought to be inflicted only on sufficient evidence of guilty knowledge, or on refusal or neglect to produce the apprentice after a regular summons from the special justice; and the penalty should be proportioned to the circumstances of the offender, and to the actual loss sustained by the master. Under the clause as it now stands, the entire property of a husband or wife, a parent or child, may be swept away, and additional imprisonment be imposed, for the venial offence of harbouring each other under some supposed or real ill treatment of the master. By the law of England, the wife at all events would be protected in such cases.	20. Enacts that persons harbouring, concealing, or clandestinely or fraudulently employing any apprentice absent without leave, shall upon conviction pay a fine of 10 *l.* currency to the person entitled to his services, and the further sum of 10 *s.* currency for every day of his detention, and the party accused may be examined on oath touching the matter of complaint, and after a 10 days' summons and non-appearance shall suffer judgment by default, and on failure of payment of the penalties, be imprisoned in the common gaol for a period not exceeding six months; and, if necessary, the special justice may issue either a search-warrant for the apprehension of the apprentice, or a summons to the party accused, requiring him to deliver up such apprentice; and the apprentice, on apprehension, shall be liable to a whipping not exceeding 39 stripes, or, if a female, to solitary confinement not exceeding 10 days, or to hard labour not exceeding three months; or, if a non-prædial apprentice, to make any other satisfaction to the employer. Proviso excepting Saturdays and other days belonging to prædial apprentices from the operation of this clause, unless due notice be given by the employer.
21. This clause defeats the object of the Imperial Act, by depriving the apprentice of the full benefit of the cultivation of his provision-grounds during the last year of his apprenticeship. It cannot be justified as a regulation authorized by the Imperial Act of Abolition, since it does not come into operation until after the expiration of the apprenticeship, and as a part of the general law of the colony, it is obviously partial and unjust; *vide* also remarks on s. 45, 46, Jamaica Act (No. 1) as to time for removal of stock and crop.	21. Enacts that apprentices refusing to quit any land, dwelling or building held by them as apprentices, at the expiration of their apprenticeship, three months' notice having been previously given to quit, may be ejected by any two justices as trespassers, and be punished by a fine not exceeding 10 *l.*, or by imprisonment not exceeding 30 days.
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Notes and References.	*Sections.*
22. This clause, which gives the power of unlimited punishment to special justices, is manifestly repugnant to the spirit of the Imperial Act, and to general justice: its practical effect on the flogging of females renders it peculiarly objectionable.	22. Enables any special justice to substitute any given number of hours of work on the tread-mill, in any house of correction or otherwise, for any of the punishments imposed by this or any other Act on apprenticed labourers, as he in his discretion shall consider necessary and proper.
23. Such contracts as these should be regarded with jealousy: like all others between masters and apprentices, they should be reduced to writing, sanctioned by a special justice, and attached to his official returns.	23. Enables the employer and the apprentice, with the sanction of the special justice, to contract for money to be paid in lieu of clothing, and other maintenance and allowances.
24. It seems unreasonable to enforce all the provisions of the apprenticeship system during such a state of things as would justify the proclamation of Martial Law.	24. Enacts that this Act shall continue in operation during Martial Law.
26. *Vide* remarks on Jamaica Act, No. 1, s. 44.	26. Defines "crimes and misdemeanors," mentioned in Jamaica Act, No. 1, s. 44, to be such as are cognisable by one magistrate when committed by any other subject.
27. *Vide* remarks on Jamaica Act, No. 1, s. 49.	27. Reserves the right of apprentices to proceed by indictment or otherwise, under Jamaica Act, No. 1, s. 49.
28. As the Jamaica Act, No. 1, will be reinstated on the expiration of this Act, subject to the allowanee of a new Order in Council, a convenient opportunity will then be afforded of introducing such amendments as will make it more consonant with the spirit and intention of the Imperial Act.	28. Enacts that this Act shall expire on December 31st, 1835.

Subsequently to the making of the above comment this Act has expired, and in the absence of another amended Act the original Act revives; subject, however, to the provisions of the Imperial Abolition Act.

JAMAICA (No. 3), Disallowed.—Passed 22 November 1834.

Notes and References.	*Sections.*
	1. Repeals ss. 27. 39. 44. 68, Jamaica Act, No. 1.
2, 3. This clause, being calculated to put an end to compulsory manumission, was a manifest violation of the Imperial Act, s. 8.	2. Enacts that an apprentice convicted of robbery or theft during his apprenticeship, shall not be discharged by appraisement until three years after his conviction; and in case of any like charge against an apprentice, all proceedings in the appraisement shall be stayed until the matter is determined.
	3. Enacts that in all cases the ratio of valuation shall be two-thirds of the annual value of the apprentice, multiplied into the residue of the term.
4. This clause would have deprived the negro of the advantage of regular hours of labour and repose, in direct violation of the Imp. Act, s. 16 (No. 3), and Jamaica Act, (No. 2), ss. 5, 6.	4. Enacts that the employer may so regulate the hours of labour as to enable him to carry on the manufacture of sugar during 18 hours out of the 24: provided that no apprentice shall be compelled to work for more than 9 hours out of the 24, nor to labour in his own time.
5. This clause would have deprived the negro of the maintenance enjoined by the Imperial Act, s. 16 (No. 3), and provided by various clauses of the two preceding Colonial Acts.	5. Enacts, that a proprietor, after six months' notice to the apprentices, and to the nearest special justice, of his intention to abandon the cultivation of an estate, shall, at the expiration of that time, be relieved from the further maintenance of such apprentices; and in such case the special justices shall remove such apprentices from the estate, leaving to them the choice of other masters: provided that agricultural labourers shall not remove to towns, nor relinquish agricultural labour

No. 2. Analysis of Abolition Acts.

Notes and References.	*Sections.*
	labour, unless the special justices shall be satisfied of their ability to maintain themselves there; and on their refusal to remove from the estate, they are to be deemed vagabonds, and punished accordingly.
6. This clause would have given jurisdiction to the general magistrates, in direct violation of the Imperial Act, ss. 17, 18, 19.	6. Gives to the court of quarter sessions the same jurisdiction over apprentices offending as in the case of free persons.
7. This clause would have still further restricted the apprentice's enjoyment of his own time and right of locomotion, in violation of the spirit of the Imperial Act, and of the Draft Order in Council.	7. Re-enacts s. 27 Imperial Act, No. 1, but with material alterations; viz. an apprentice wandering "as a vagabond" may be apprehended by "an estate or other constable," and brought before "the nearest justice." The exceptions as to Divine worship are limited to the "the Sabbath-day;" as to markets to the "Saturday" market, and to or from "provision-grounds" during the time allotted to them as their own.
8, 9. This clause would have appropriated a larger portion of the benefit of penal labour to the master, in direct violation of the policy of the Imperial Act.	8, 9. Enacts that with the permission of the owner or manager, penal gangs shall be established on the plantations, and apprentices offending be made to work in them; and that the same may be abolished by the authority of the special justice.
10. The extreme severity of this clause rendered it wholly inadmissible, especially as provisions had been previously made for the same species of offence in the preceding Acts.	10. Enacts that watchmen wilfully absent from their posts, or guilty of negligence, shall make good by their labour any loss arising therefrom, or receive any number of stripes not exceeding 50; but the mulct is limited to 30 days' labour for neglect of duty.
11. The unreasonableness and severity of this clause renders it inadmissible, especially as riot or combined resistance to the laws had been amply provided for by preceding Acts.	11. Enacts five or more apprentices going in a body to complain, without a written authority from their employer, shall be committed to gaol; and if it appear to the special justice that they quitted home without justifiable cause, the males shall be publicly whipped, with not exceeding 39 stripes; the females committed to solitary confinement for not exceeding 10 days, or to work in the penal gang for not exceeding one month.
12. The wanton destruction of property, authorized by this clause, was altogether at variance with the spirit of the Imperial Act.	12. Authorizes the proprietor or manager to destroy hogs or goats straying over the cultivated portions of the plantation.
13. This clause would have been open to stronger objections than those urged against s. 39 Jamaica Act (No. 2), and s. 5 of this Act, and was inconsistent with the spirit of the Imperial Act.	13. Re-enacts s. 39 Jamaica Act (No. 1) with material alterations; viz. it excepts only from among loiterers "the wives of apprentices legally married." It directs that immediate notice shall be given to the special justice, but expressly authorizes the employer to detain the offender after the expiration of 24 hours, in case the special justice shall not attend, and take such offender before the nearest justice, who may either authorize a further detention or commit the offender to gaol or the house of correction, to be dealt with according to law.
	14. Re-enacts s. 44 Jamaica Act (No. 1), but makes it optional and not imperative upon the special justice so to proceed.
16. This clause appears to have included all descriptions of public meetings (those for religious worship only excepted), and was quite inconsistent with the spirit of the Imperial Act.	16. Prohibits apprentices from attending or voting at any public meeting.
17. This clause would have neutralized all the "protective" provisions of the Imperial Act, and was a direct violation of its spirit.	17. Gives a right of appeal from the decision of the special justice to the supreme or assize courts.
18. This clause appears to be at variance with the policy of the Imperial Act, and might have endangered the welfare of the negro.	18. Enables the employer and the apprentice, in case of doubt, to agree between themselves as to the class to which the apprentice shall belong.
19. This	19. Prohibits

Notes and References.	*Sections.*
19. This clause would have occasioned an arbitrary interference with the time and amusements of the apprentice, and is quite inconsistent with the spirit of the Imperial Act.	19. Prohibits, under penalties of insubordination, all meetings or revels, and the use of drums, gamboys or other noisy instruments, without the consent of the employer, between nine o'clock in the evening and four o'clock in the morning.
	20. Enacts the mode of levying of fines under s. 20 Jamaica Act (No. 1), and in default of payment authorizes imprisonment not exceeding six months.
21. This clause would have given a most unwarrantable discretion to the special justice, and was altogether inconsistent with the spirit of the Imperial Act.	21. Authorizes special justices to punish minor offences by keeping apprentices to regular labour during the day, with confinement at night, for such period as they may think fit.
22. This clause was a direct infraction of one of the most important provisions of the Imperial Act.—*Vide* s. 17.	22. Authorizes the correction of females under the age of 10 years with a strap or switch.
23. This clause would have restored an objectionable part of the old system of punishment, and was inconsistent with the Imperial Act.	23. Authorizes securing offenders in the bilboes according to former custom.
	24. Fixes the 25th and 26th December and Good Friday as holidays.
25. This clause was bad in principle, and would have authorized the infliction of punishment at variance with the spirit of the Imperial Act, and the letter of Jamaica Act (No. 2), s. 20.	25. For refusing to assist, or wilfully withholding assistance, in case of fire, inflicts the punishment of whipping not exceeding 50 stripes, and hard labour in the penal gang for any period not exceeding three months, or, if a female offender, solitary confinement for any period not exceeding 14 days, in addition to hard labour as aforesaid.
	26. Enforces by further provision the payment of fines for offences under the several Abolition Acts, or Acts passed in aid thereof.

By a Despatch, dated the 20th of February 1834, Mr. Stanley, then Secretary of State for the Colonies, after announcing that His Majesty's Government, on the fullest consideration of the principles and details of the Jamaica Act (No. 1), had arrived at the conviction that the legislature of Jamaica had faithfully and effectually enacted the abolition of slavery, and had also framed the supplementary enactments requisite during the immediate state of apprenticeship, proceeded, with some apparent inconsistency, to point out various serious defects in the Act which he was thus prepared to sanction. His suggestions, however, assuming the tone of amicable compromise, rather than that of solemn compact between the parties, and arguing the propriety, instead of insisting on the necessity, of the proposed modifications, met with the fate which might have been easily anticipated from legislators whose right to compensation had been already rendered indefeasible.

The Amendments proposed were as follow:

1. The rectification of an error as to the date of classification.
2. The completion of the machinery of manumission.
3. The making estate constables independent of the authority of their masters, and limiting the power of imprisonment on estates.
4. The limitation of the magistrate's power in cases of "minor misdemeanors and offences." (*Vide* Jam. Slave Act, s. 129.)
5. The specific application to employers of the clause punishing frivolous complaints; and the insertion of a clause as to the residence of apprentices, analogous to the British Guiana Ordinance, c. 6, s. 2.
6. The limitation of the terms "urgent necessity" to certain specific emergencies.
7. The protection of special justices.
8. The appropriation of some portion of the fine on employers as a compensation for the wrongs done by them to apprentices.
9. The reservation to apprentices of the right of proceeding criminally in the ordinary courts for injuries inflicted by employers.

To which, accompanied by a slight notice of the loose manner in which provision was made for the maintenance of the apprentices generally, was added a suggestion of the propriety of providing specifically for cases of sickness.

Of the proposed Amendments several were embodied in the Amendment No. 2; but that

No. 2. Analysis of Abolition Acts.

which relates to manumission is still left imperfect. The unconstitutional power of estate constables, virtually involving the irresponsible power of punishment for minor offences, is still retained. Unnecessary restraints on residence, and consequently on locomotion, are left as before. Compensation to the injured apprentice out of the fines is not granted. Maintenance, as to quantities, qualities, and specific regulations, remain as loosely secured as before; and even the customary medical assistance appears to have undergone some restriction.

Nor is this all: the opportunity afforded by the passing of a new Act was embraced to introduce fresh objectionable matter, the repugnances of which have been already exposed in the preceding analysis of the Act No. 2. The unconstitutional power given to the justice by s. 20, of examining the party accused on oath, touching the matter of accusation; but especially the virtual infraction in s. 22 of the prohibition to flog females, requires a moment's further notice. That such an infraction of the Imperial Act, s. 17, is really authorized by this section, may be shown as follows: The Imperial Act prohibits the whipping or beating of females for any offence whatever, except under some law or police regulation in force against and applicable to all other persons of free condition. It appears that the whipping of free females is allowed in houses of correction and workhouses; but this disgraceful discipline is, of course, restricted to unfortunate persons confined in those places by virtue of some general law. Now the offence which occasions the incarceration of the apprenticed female is committed against no general law, but is a simple violation of some apprenticeship enactment, not applicable to free females, and for the infraction of which they would never incur the risk of this coercive treatment. The attempt to distinguish between the original sentence of imprisonment and the discipline that may and most probably will follow upon it, (the offence committed being no offence against a general law of the colony,) is a mere evasion, though hitherto a successful one, of one of the most peremptory and stringent provisions of the Imperial Legislature.

Notwithstanding the incompleteness of this Act as an Act in aid, its fresh objectionable enactments, and its limited duration, it appears, from a despatch of Lord Aberdeen of the 15th January 1835, to have been accepted as a satisfactory compliance with the suggestions previously conveyed; with an instruction, however, that until the enactments of this second Act were made commensurate with the duration of the first Act, the Legislature of Jamaica could not be considered as having fully acquitted themselves of their duty.

The passing of the Act No. 3, above analyzed, and the subsequent conduct of the Jamaica House of Assembly on the question of the revival of the Act No. 2, which, notwithstanding the remonstrances of the Home Government and of the colonial governor, had been suffered to expire, removed all further motives for delicacy in treating with this refractory colony, as it plainly demonstrates the want of good faith, so long and so loudly complained of by the friends of the enfranchised negroes. It now remains to be decided by a competent tribunal, whether laws of the character already exhibited in the preceding analysis are to be accepted as an adequate and satisfactory fulfilment of the conditions upon which 20,000,000 *l.* sterling have been paid by the mother country.

That this solemn inquiry should have been relieved by its own peculiar circumstances from the difficulties incident to ordinary cases of colonial interposition, involving no solemn compact between the parties, and the defence of no great constitutional rights, must be considered a favourable omen of its successful issue. The public will, in the meantime, be pleased to remember, that the analysis now presented to them is but a small specimen of colonial legislation; a part only, and perhaps not even the most important part, of the legislation of a single colony.

The laws of 19 colonies, in many respects equally objectionable with those already commented upon, must undergo the same inquiry; and the practice arising out of all these laws requires to be strictly examined. Beyond all this, but yet forming the most important field of investigation, lie those permanent laws which are to fix the future condition of the negroes, and to determine the future fate of our colonies; to decide, in short, whether, in return for the enormous price that has been paid, the negroes shall henceforth be treated as free members of a great empire, and be put into substantial possession of the common rights and privileges of British subjects.

Appendix, No. 3.

ANALYSIS of the following JAMAICA ACTS, referred to in Mr. *Beldam's* Evidence of 3 *May* 1836.

No. 3. Analysis of Jamaica Acts.

Vagrant Act:—Passed December 12, 1833 - - - - - - - - - p. 28
Act for building, repairing and regulating Gaols, Houses of Correction, Hospitals, &c.:—Passed July 4, 1834 - - - - - - - - - - p. 32
Act in Aid of Ditto:—Passed December 20, 1834 - - - - - - - - p. 33
Act to colonize Interior Lands, &c.:—Passed December 9, 1833 - - - - - p. 33
Act to increase Power of Magistrates in Appointment of Constables:—Passed December 5, 1833, p. 34
Act for the Summary Punishment, in certain cases, of Persons wilfully damaging or committing Trespasses on Public or Private Property:—Passed December 10, 1833 - - - p. 34
Act for preventing Tumults, &c.:—Passed December 11, 1833 - - - - - p. 35
Act to consolidate the Laws relating to the Clergy:—Passed December 12, 1833 - - p. 35
Act to enlarge the Powers of Justices, &c.:—Passed July 4, 1834 - - - - - p. 35
Act to register Fire-arms, &c.:—Passed July 4, 1834 - - - - - - p. 36
Act to amend the Elective Franchise:—Passed December 20, 1834 - - - - p. 36
Act to consolidate the Highway Laws:—Passed December 20, 1834 - - - - p. 36
Act to enable Parties having Claims to the Services of Apprenticed Labourers to assert their Title at Law, and for other purposes:—Passed December 20, 1834 - - - - - p. 37

VAGRANCY.

THE importance of this subject to the future welfare of the negroes may justify a few general remarks as an accompaniment to the analysis of the Jamaica Vagrant Act. Vagrant laws are legitimately intended for the maintenance of order among the lower classes, for the increase of productive labour, and for the protection of particular localities liable to the support of the indigent. The first of these objects is in all communities of the greatest consequence; the two latter depend for their importance on the peculiar circumstances of each particular community. A community, for instance, comprising a superabundant peasantry, encumbered with local burdens liable to be indefinitely increased by vagrancy, possessing few unreclaimed lands, and no means of subsistence except regular labour, where public opinion, at the same time, is sufficient to restrain extraordinary abuses of discretionary power, presents a very different case for the application of a vagrant law, and justifies a very different system of control, from a community whose circumstances are either wholly diverse from these or in which the same circumstances exist only in a minor degree. A like observation applies to different historical periods of the same community, and hence the changes which from time to time have been made by our own Legislature on this subject. Thus the 3d Geo. 4, c. 40 amends, and the 5th Geo. 4, c. 83 repeals, all preceding Vagrant Acts, and the latter statute entirely remodels the English vagrant law. The condition and policy of this country differ in all the particulars above mentioned from those of Jamaica, just as the present circumstances of that colony differ likewise from those of any preceding period. A vagrant law, therefore, suited to the actual condition of England, or to the past condition of Jamaica, offers no correct model of present legislation for that colony. Now the Jamaica legislators appear to have overlooked this principle altogether, or by mistaking the peculiarities of their own condition, to have given it a very mischievous application. The Jamaica Act consists chiefly of a selection, ingeniously prepared, of the most stringent provisions of past and present British Vagrant Acts, the protective character of which is, however, completely destroyed by the omission of many of the most important qualifications and exceptions, and by the introduction of new provisions greatly enlarging the power of the magistrate, and proportionably diminishing the personal freedom of the negro. The circumstances under which this Act was passed and the character of the legislators, explain but do not justify such enactments. The Jamaica Vagrant Act immediately succeeds a system of slavery, and is the production of minds long enured to the vices of that system. It proposes to establish a legal and permanent system of restraint for one which was lawless in its nature and uncertain in its duration. It might be expected, therefore, to exhibit, as it undoubtedly does, an utter distrust of the negro race, and an inveterate clinging to inordinate power; but it should have been remembered that distrust was mutual, and that undue authority established by law is doubly injurious. Under pretext of a general law, the negroes are still manifestly the objects of peculiar coercion; for the number of European labourers in the colony was much too inconsiderable to be contemplated in such provisions, and the magistrates possess besides an express power of remitting the punishment in favour of whomsoever they please.

No. 3. Analysis of Jamaica Acts.

It is impossible not to perceive, on the most cursory perusal, that the necessary consequence, if not the intended effect of this statute, is at variance with the legitimate objects of the vagrant law. It is neither calculated to secure social order, nor to promote free labour, nor even to relieve local burdens; but under colour of all those, it is manifestly calculated to establish an oppression closely resembling that for which it has been substituted. It may be considered virtually to amount to an imprisonment of the negroes in their respective parishes, with the perpetual privation of arms, and even of such necessary implements as may be drawn within the meaning of "offensive weapons," the use of which, and even of the freeman's right of locomotion, are made to depend wholly on the arbitrary construction of a magistrate. By the restrictions put upon migration, the time, industry and talents of the negroes are virtually placed at the disposal of the territorial proprietor, upon whom the negroes are thus rendered absolutely dependent for their very subsistence. And by the erection of an inquisitorial surveillance over the minutest movements, circumstances and conduct of the negroes, accompanied with the power of examining upon oath the party accused as to the matter of accusation, and of inflicting loss of property and of personal liberty with corporal punishment at discretion, a magisterial despotism is established, which, if permitted to continue, may leave the friends of slavery little to regret at its extinction. That such a law should have been permitted to pass by the late Governor of Jamaica can only be explained by its colourable resemblance to the English statutes, and by the absence of that precaution which should have maturely weighed its various details. It will not, indeed, be questioned that great difficulties exist in framing laws adapted to a state of transition from slavery to freedom, nor, perhaps, that some unusual restraints upon the liberty of the new-made freemen, if intrusted to proper hands, might be temporarily advisable, but no disinterested person can pretend to justify the investment of those individuals, whose abuse of lawless power made its abolition imperative, with a legal and a permanent authority over their former bondsmen, differing little except in name from the system for which it is substituted. The friends of emancipation, after having consented to pay so costly a price for the absolute freedom of the slaves, will not consider the compact completed by their being converted into mere "serfs," and left dependent as before on the discretion of their task-masters for all that can make life or liberty valuable. From such a specimen of colonial legislation as this Act exhibits, they will naturally conclude that the abolition of an avowed system of slavery is but the commencement of their work, and that the more important part remains to be accomplished, in securing to the negroes, by wise and just enactments, permanently administered by impartial and responsible functionaries, the substance of that liberty which has been so dearly purchased.

VAGRANT ACT:—Passed 12th December 1833; disallowed.

Notes and References.	*Section.*
1. The nature of these former Vagrant Acts ought to be fully ascertained; one of them, 31 Car. 2, c. 11, very properly limits its operation to persons not having the means of subsistence, a condition which (with whatever else is valuable in them) ought to be adopted into the present Act, and the remainder be repealed. It will be seen, by subsequent clauses, that the justices under this Act have a discretion to send offenders either to the house of correction or the common gaol.	1. Declares the expediency of amending the laws now in force relating to idle and disorderly persons, rogues and vagabonds, incorrigible rogues and other vagrants, and authorises the justices and vestry of each parish to build or otherwise provide houses of correction with treadmills and such like necessary implements in every district.
2. "Threatening" to run away, &c. is an ambiguous term, and has been erased from the English statutes. The 5th Geo. 4, c. 83, requires that the wife, and children, &c. should be actually chargeable. Being without visible means of employment is a singular expression; it may happen without any default or neglect of the the party. "Prostitutes and night-walkers" must be behaving in a "riotous or indecent manner" to incur punishment under 5th Geo. 4, c. 83. Inability to "show any visible means of employment" applies not only to blameless causes of inability to procure or to perform it, but to cases of sufficient wealth to do without it, none of which cases ought to be involved in such a punishment. Under no impartial system, indeed, can this single fact	2. Enacts that all persons "threatening" to run away and leave wife or children chargeable without visible means of support, all persons able to work and thereby or by other means to maintain themselves and families, who wilfully refuse or neglect so to do. All persons not having any visible means of "employment," and thereby becoming chargeable; all persons returning, after legal removal, without a certificate, and becoming chargeable; all common "prostituses or night-walkers" wandering in public streets or highways, not giving a satisfactory account of themselves, and all persons who cannot show any visible means of "employment," shall be deemed idle and disorderly, and may be committed to the house of correction, by a single justice, to hard labour for

No. 3. Analysis of Jamaica Acts.

Notes and References.	*Section.*
fact amount to more than a presumption of culpability, which must be accompanied by other facts to justify punishment. But the apparent object of such a provision is to compel all negroes without distinction to labour at the discretion of the magistrate.	for one week, or if by three justices, for one calendar month. Provided that no person shall be removed from a parish after a continued residence of above six months.
3. Merely "wandering" abroad without a home is nowhere punished by the 5th Geo. 4, c. 83. "Playing or betting" under that statute, s. 4, must be in some open or public place, with some table or other instrument, at some game or pretended game of chance. Running away and leaving wife, &c. must, under that statute, be attended or followed by actual chargeability. "Wandering pedlars and petty chapmen" are punished by the same statute, s. 3, only when unlicensed, and then only as idle and disorderly; this is a mere "revenue protection." Wandering abroad and lodging in inhabited houses and buildings is nowhere punished in that statute, and lodging about in other descriptions of places is only punished, s. 4, in connection with another most important circumstance of suspicion, viz. the offender "not having any visible means of subsistence." The object of the Jamaica clauses in making these alterations is obviously to place all negroes, without exception, who happen to travel, at the disposal of the magistrate. "Obscene exposure of the person," under that statute, s. 4, must be "with intent to insult a female." West Indians surely need not be more fastidious. "Wandering abroad to beg," unaccompanied with exposure of wounds, &c. under that statute, s. 3, is only considered as "idle and disorderly;" and by s. 4 of the same statute, a person must be "armed with" an offensive weapon, or have upon him an instrument "with intent to commit a felonious act," to constitute him an offender. The alteration in the Jamaica clause is plainly to prevent all negroes from possessing arms. Being found in a house, &c. must, under the same s. 4, be for an unlawful purpose. The object of this variation is plainly, among others, to prevent intercourse between the negroes of different plantations "frequenting places of public resort," &c. with intent, &c. is confined by the same s. 4 of the English statute, to suspected persons or reputed thieves, a most important condition for the protection of humble but well-disposed persons who, throughout the whole of the Jamaica Act, are placed at the mercy of informers and magistrates. As a lie is a "false representation," and is seldom employed but for some supposed "advantage;" every falsehood subjects the offender to be dealt with as "a rogue and vagabond." The language of this provision, to say the least, is extremely careless.	3. Enacts (*inter alia*) that all persons "wandering" in the woods without a home, or on the public roads or places, or settling on lands, or lurking on estates or settlements without permission, or playing or betting at any unlawful game, or running away and leaving wife and children chargeable or without any visible means of support; all petty chapmen and pedlars wandering abroad; "all persons wandering abroad, and lodging in taverns and negro-houses or huts," not giving a good account of themselves; all persons openly and indecently exposing their persons, and all persons wandering abroad, or placing themselves in public places to beg alms, or encouraging children so to do, or exposing wounds or deformities for the same purpose; or having in possession any cutlass, bludgeon or other "offensive weapon," with intent "to assault or commit any other illegal act;" or who shall be found in any dwelling-house, out-house, negro-house or enclosed place, and not able to give a good account of themselves; all persons who shall frequent any place of public resort with intent to commit felony; and all persons imposing or endeavouring to impose upon any private individual, by any false representation, verbal or in writing, with a view to obtain some advantage or benefit, shall be deemed "rogues and vagabonds."
4. To constitute this offence, the 5 Geo. 4, c. 83, s. 5, requires that the offender should "break and escape from a place of legal confinement," being apprehended as, &c. &c.; or that he should violently resist "a constable or other peace-officer," and be afterwards convicted of the original charge. Under the Jamaica Act, on the contrary, a person apprehended by any private individual, and not even informed of the cause of his apprehension, if he escape from his apprehender, or refuse to submit to an examination which no justice has a right to require, or misrepresent any fact on that examination, or do not appear after being bound over for that purpose, may, without conviction of the original charge, whatever that charge may be, at once be adjudged an "incorrigible rogue," and punished accordingly. The design of this despotic clause is obviously to compel the appearance at all times of the object of magisterial suspicion	4. Enacts (*inter alia*) that all persons apprehended as rogues and vagabonds, and escaping from the persons apprehending them, or refusing to go before a justice to be examined by him, or knowingly giving a false account of themselves on such examination, or being accused of any offence against this Act, and bound in recognizance to appear at the next general or quarter sessions, who shall neglect to appear accordingly, and all convicted rogues and vagabonds again committing any offence under this Act, shall be deemed "incorrigible rogues."

No. 3. Analysis of Jamaica Acts.

Notes and References.	*Section.*
or displeasure, and to extort either a statement of circumstances or a confession of guilt. The same section 4 of the English statute requires that in case of a double conviction, each offence should be of being "a rogue and a vagabond" to constitute the offender an "incorrigible rogue."	
5. The loose wording of this clause (like section 6 of 5 Geo. 4, c. 83,) enables any person to apprehend another on mere report, and even rewards the apprehender for his voluntary interference. The 17 Geo. 2, c. 5, in like manner gave a reward, which was very properly repealed by 3 Geo. 4, c. 40. To prevent vexatious detention the "nearest" justice should have been applied to, and as he is authorised to reward the apprehender, he ought in like manner to be required to award damages where the apprehension turns out to be without reasonable cause. An action or indictment for such a purpose would be both expensive and uncertain.	5. Enacts (*inter alia*) that if any person shall be found offending against this Act, it shall be lawful for any person whomsoever, without warrant, to apprehend and convey the offender, with horse and cart, before any justice; and authorises the justices to reward the person so apprehending with a premium of 10 *s.* for each person so apprehended.
6. A clause so unconstitutional and inquisitorial as this cannot be suffered to remain. It seems to have been suggested by a clause in the 17 Geo. 2, c. 5, enabling the magistrate to examine the offender touching his condition and circumstances, and the place of his settlement, with a view to making out the necessary pass which is here perverted to the purpose of self-crimination. It may be doubted whether such a discretion as that contained in this proviso ought ever to be intrusted to the magistrate, especially as it may be applied to the purpose of making invidious distinctions between European and African labourers.	6. Enacts that on the bringing of any rogue and vagabond, or incorrigible rogue, before any three justices, it shall be lawful for such justices, and he or they are hereby required to inform himself or themselves by examination of the person or persons so apprehended, or of any other person, upon oath, of the matter alleged and charged against the person or persons so apprehended, and in proof thereof to commit the offender to the common gaol or house of correction to hard labour, until the next general or quarter sessions, or for not exceeding three months nor less than one month; provided that the justices may discharge at their discretion any rogue and vagabond, or idle disorderly persons, although an act of vagrancy be proved against them; provided also, that in such case the justices may at their discretion bind over persons so discharged to appear and answer at the next general or quarter sessions.
7. This clause ought to have required, as in 5 Geo. 4, c. 83, s. 8, for the security and satisfaction of the offender, that all searches should be made in his presence, and that the money found should be first applied before proceeding to the sale of his effects; and where a sale takes place it should be by public auction, or at least by appraisement.	7. Enacts that any three justices adjudging any person to be a rogue and vagabond, or incorrigible rogue, shall cause him to be searched, and his trunks, boxes, bundles, parcels and packages, to be inspected in the presence of such justices, and his person to be searched, together with any vehicle found in his possession or use; and order any money found to be paid, or so much of his effects to be sold as shall defray all expenses of sale, apprehension and punishment, returning the overplus, if any, to the offender.
9. The punishment by 5 Geo. 4, c. 83, s. 10, is limited to one year's imprisonment to hard labour and one whipping. But by this clause the justices have the power of whipping as often and as much as they please; and a second offence of this class receives a double punishment.	9. Enacts that where an offender has been committed as aforesaid until the next general or quarter sessions, and is convicted by the justices thereof as a rogue and vagabond, or as an incorrigible rogue, they may further detain such rogue and vagabond to hard labour for not exceeding six calendar months, and such incorrigible rogue for not exceeding one year nor less than six calendar months, together with whipping (not being a female) at such times and places within their jurisdiction as they in their discretion may think fit, and if such offender shall have been before adjudged an "incorrigible rogue," then for not exceeding two years with hard labour and whipping as aforesaid.

No. 3. Analysis of Jamaica Acts.

Notes and References.	*Sections.*
11. Although warrants of this general nature may be sometimes used in England, they seem very unfit to be employed in a colony where so much antipathy exists towards the negro population. But, however this may be, it certainly is wholly opposed to law and justice that the suspected persons should be examined in the manner authorised by this Act, and that a mere presumption of being idle and disorderly, solely arising out of the doubts or dissatisfaction of the justices, and uncorroborated by other circumstances of suspicion, should subject the most harmless and even respectable individuals to the severest penalties of the vagrant law, and this injustice is rendered still greater by the almost entire impunity afforded to errors and abuses committed in the execution of this Act by a subsequent clause, *vide* sec. 16. It may be here repeated that the whole Act is defective in not making the "want of visible means" as in the English statute more generally requisite to the magistrate's interference.	11. Enables any justice on information on oath, that any idle disorderly persons, rogues and vagabonds, or incorrigible rogues, or are reasonably suspected to be harboured or concealed in any house or houses kept or purporting to be kept for the reception and lodging of any poor traveller or travellers, by warrant to authorise any constable or other person or persons to enter such house or houses at any time, and to bring before any three justices all persons found therein and suspected as aforesaid, and if, on examining the persons so apprehended, it shall appear to such justices that they or any or either of them cannot give a satisfactory account of themselves, to commit her or them to the common gaol or house of correction, there to be dealt with as rogues and vagabonds, or as incorrigible rogues.
14. The object of providing a form of conviction is not only to instruct the officer who executed it, but to furnish direct evidence of the magistrates decision as well for the protection of the offender as for other purposes; the form here provided, contrary to all the precedents, omits the part most essential for the purposes intended. It contains no adjudication of punishment; and, even if that were added, a copy only of the conviction, which might be easily falsified and not the conviction itself (as in the 5 Geo. 4, c. 83, s. 17), is all that is required at the sessions.	14. After enacting that no proceeding shall be quashed for want of form, sets out a form of conviction for "rogues and vagabonds" and "incorrigible rogues," but none for "idle and disorderly" persons, and the form inserted contains no adjudication of punishment. It requires also that a fair transcript of this conviction shall be transmitted by the convicting justice or justices to the next general or quarter sessions, and filed and kept on record; a copy of which transcript duly certified by the clerk of the peace is made legal evidence.
15. A clause similar to this sec. 27, is inserted into the first Jamaica Abolition Act; it would be difficult to assign a precise meaning to it, or to ascertain in what degree it protects the negro.	15. Enacts that nothing herein shall interfere with the apprentices' own time, as settled by first Jamaica Act of Abolition, or be deemed to interfere with or abridge the powers and jurisdiction given to the special justices by the said Act.
16. The 5 Geo. 4, c. 83, s. 18, limits this protection to civil actions, and to a judgment in favour of the defendant. It is certainly contrary to common right to extend such a protection to criminal proceedings, the meaning of the accused party being exculpated (not acquitted), and the accuser having his application in any manner whatever "dismissed or ended" is extremely ambiguous. As the clause now stands, it seems calculated to give impunity to all sorts of oppression. It may be remarked that no protection is afforded to the accused party against the abuse of justice (as in sec. 14 of the 5 Geo. 4, c. 83) by appeal to the quarter sessions. It is true that the English Act only empowers the justice on sufficient surety found to set the convicted party at liberty, but in the Jamaica Act this ought to be rendered imperative.	16. In all cases of proceeding, whether civil or criminal, against any persons on account of anything done, commanded or expressed in execution of their duty or office, such persons, if they recover or be exculpated, shall have treble costs against the party proceeding, whether he discontinue or become nonsuitor, have a verdict against him, or have his application in any manner dismissed or ended, unless the judge or court certify reasonable cause.

The disallowance of this Act has been recently announced. The comments, however, are retained, as they have been made a text of reference for other colonial enactments on similar subjects.

No. 3. Analysis of Jamaica Acts.

JAMAICA:—AN ACT for the making further Provision for the Building, Repairing, and Regulating of Gaols, Houses of Correction, Hospitals and Asylums:—Passed 4th July 1834.

PREVIOUSLY to an examination of some specific clauses of this Act, it may be remarked that it exhibits one pervading defect, alike opposed to the spirit of the Imperial Abolition Act and to the principle of recent English enactments on the same subject; viz. the uncontrolled and exclusive jurisdiction of the ordinary magistrates over the whole of this important branch of municipal government, a defect rendered more objectionable in this case by the strength of colonial prejudices, and by the insertion into Acts of this description of a clause protective of those who execute it, necessary perhaps, but under such circumstances capable of giving impunity to penal abuses. The extreme inconvenience of intrusting so arbitrary an authority to local magistrates, even in England, had long been felt, but has only recently been remedied by the Act of 5 & 6 Will. 4, c. 38, which virtually transfers the future exercise of this discretion to one of the Secretaries of State. And it is not too much to expect that reasons equally cogent will be discovered in the social condition of Jamaica to induce His Majesty's Government to recommend the introduction of the same principle of general improvement and personal protection into the prison discipline of that colony. The welfare of the emancipated negroes, and the impartial character of penal justice, seem equally to require that rules and regulations, so materially affecting both, should not be established in the first instance without the deliberate consent of the Governor, and the final approval of the privy council; and that to the Governor should belong officially the general inspection of all such establishments, accompanied with the power, under certain limitations, of introducing from time to time such further rules, regulations and arrangements, as he may deem necessary to the safe custody, health and moral improvement of the prisoners and inmates.

CERTAIN RULES and REGULATIONS established by the Jamaica Act, compared with those of the English Statutes.

THESE rules contain no provision for the moral instruction of prisoners and inmates, except a religious service on Sundays; nor for the admission of other ministers of religion than the chaplain at the request of a prisoner or inmate; *vide* rule 9, as compared with 4 Geo. 4, c. 64, s. 31, and Poor Law Amendment Act, sec. 19.

Rule 10 authorises the keepers of prisons, hospitals or asylums, when "under the necessity" to put prisoners and inmates in irons, and to report forthwith to a visiting justice, but the 4 Geo. 4, c. 64, ss. 10. 12, limits this power to the keepers of prisons, and to cases of "urgent and absolute necessity," and then only for four days without a written order from the visiting justice, specifying the causes thereof. And although, in consequence of defective classification, other persons than the usual inmates of "hospitals and asylums," may occasionally be found in such places in Jamaica, such a power certainly ought never to be exercised by the keepers thereof, without the previous consent of the medical attendant, and the earliest possible written order of the visiting justice, both of which should be presented and filed at the sessions.

Rule 20 requires that on the death of a prisoner or inmate, notice shall be given to the visiting justice and to the coroner, but 4 Geo. 4, c. 64, s. 10, 11, very properly adds, "and to the nearest relative," and prohibits any prisoner from sitting on the inquest as a juror.

Rule 24 enables any ordinary justice of the parish to inflict personal correction on any criminal prisoner or inmate offending against the rules of the prison, hospital or asylum, in manner therein mentioned, or in the case of prisoners convicted of felony or sentenced to hard labour.

The Jamaica Act enables the common council of Kingston and elsewhere, five justices in sessions to make additional rules, and the same are to be reported to the Governor "as soon as may be convenient," but the 4 Geo. 4, c. 64, ss. 15. 24, 25, required that a general report of such new rules and regulations, comprising all other reports as to the actual condition of such places, should be annually transmitted to one of the Secretaries of State within a specified period, and now by 5 & 6 Will. 4, s. 2, no new rules and regulations shall be valid until actually approved by the certificate of one of the Secretaries of State, and by ss. 7, 8 of the same Act, "inspectors" of all places for the confinement of prisoners in Great Britain are to be appointed, and their reports are to be annually presented to a Secretary of State and laid before Parliament. Surely the safe custody, health and moral improvement of negro subjects require equal protection, especially as the inmates of hospitals and asylums are for many purposes placed on the same footing with prisoners.

Certain justices to be appointed by the sessions as visitors, are empowered in matters of pressing necessity "to take cognizance thereof and regulate and redress the same," and other justices are empowered to visit and to report abuses. As special justices, if eligible, are not likely to be so appointed, they ought to possess *ex-officio* a co-ordinate power in like urgent cases, to afford immediate redress to negro apprentices confined or resident in such places.

Prisoners

Prisoners in execution, not sentenced to hard labour, if unable to maintain themselves, may be set to work by two visiting justices; this is conformable with 4 Geo. 4, c. 64, s. 38, but that statute gives the surplus wages to the prisoner at his liberation, a regulation which ought to be adopted into the Jamaica Act.

Keepers of prisons, hospitals and asylums, may for certain minor offences keep the offenders in a solitary cell for six days on bread and water, subject to the approval of the visiting justice. But the 4 Geo. 4, c. 64, s. 41, fastens this power only on keepers of prisons, and limits the punishment to three days; and in "hospitals and asylums," if ever necessary, it certainly ought not to be exercised without the previous consent of the medical attendant, and the written order of a visiting justice, both of which should be presented and filed at the sessions. And in the case of the Kingston hospital, no inmates should be transferred to the house of correction on the report of the physician and surgeon of their being "well and able to work," unless they entered the hospital or remained in it under the pretext of ill health.

It appears that persons "disabled from labour by sickness, age or otherwise," have been hitherto sent to a "compartment in the house of correction," and it is deemed expedient by this Act "to continue the same accommodation." A different classification and accommodation will probably, however, appear expedient to His Majesty's Government under the new system, for the present race at least, of such unfortunate persons; nor ought they without any appeal, to depend wholly on such "humane and salutary regulations as to the magistrates and vestrymen shall seem necessary or expedient." Strict inquiry into the legal claims of negro paupers of this description, the victims of former oppression, seem indeed to be both just and necessary.

This Act expires 31st December 1840.

JAMAICA:—AN ACT in Aid of an Act 5 Will. 4, entitled "An Act for making further Provision for the Building, Repairing and Regulating of Gaols, Houses of Correction, Hospitals and Asylums:—Passed 20th December 1834; expires 1st August 1840.

This Act purports to be passed in aid of the immediately preceding Act, but really makes some very objectionable additions to the penal enactments of the former Jamaica Abolition Act. These Acts punish apprentices under certain circumstances for absence. The present Act enables any person whatever, who "knows" an apprentice to be a runaway, to apprehend him without any warrant for that purpose; gives the apprehender a reward for so doing, and authorises him to convey the apprentice to the nearest workhouse or house of correction. The Slave Code, sec. 113, gave a similar power in case of slaves under sentence of transportation. The superintendent of the workhouse is required, once a week, for four successive weeks, to advertise such committal in the papers, with the name of the master, manager or employer, if known.

It must be obvious, that connecting the reward for apprehension with the inability of the apprentice to obtain redress for vexatious interference, impunity and encouragement are held out to vexatious intermeddling with apprentices beyond the limits of their own plantations, and that as the most effective steps in case of actual vagrancy are not taken to send the apprentice immediately home, his punishment, which depends for its severity upon the length of his absence, may be, and in the generality of cases most probably will be, greatly increased by the negligence or intentional delay of others. It may be remarked, that under the Slave Code, much greater care was taken to compel the workhouse-keeper to perform his duty both as to advertising, maintaining the person in custody, and charging moderate fees; and heavy penalties were inflicted for breach of any of these duties.

In case of actual culpability, it should be the imperative duty of the apprehender, the special justice, and the superintendent respectively, to ascertain the name of the master, manager or employer, and to convey the offender home, at the earliest possible period; and if the power of apprehending without warrant be permitted, it certainly should be without reward, and summary redress should be provided for the apprentice who has been wrongfully apprehended or unnecessarily detained.

JAMAICA:—AN ACT to colonize the Interior Lands of this Island, and form a Permanent Police:—Passed 9 December 1833; consented to 12th December 1833.

A legislative Act for the colonization of unreclaimed lands, the promotion of industry, and the establishment of a well ordered police, which may ultimately become the substitute for a more expensive military establishment, seems desirable at the commencement of an era of freedom. The danger consists in its provisions being perverted to other and less worthy purposes. Should such establishments become mere convict

No. 3. Analysis of Jamaica Acts.

settlements, or a species of military colonies, established for the purpose of overawing the negro population, or of trying the experiment of modified slavery in reclaiming lands for the benefit of proprietors, or even for the purpose of cherishing a party spirit between different portions of the labouring community, the effect will be mischievous. The powers of the Governor, in forming these settlements, do not sufficiently appear: he may inlist or indent a police with peculiar privileges, sec. 10. All free persons and Maroons may be employed or enrolled, but whether compulsory or not is not stated. Emigrants are to be invited, sec. 11; and paupers may be sent from the several parishes, sec. 14. Lands are to be cultivated and manufactories set on foot, and public works performed, more or less, for the benefit of the labourers, sec. 9. 14.

On the other hand, all males between the ages of 16 and 45 in such establishments, are subjected to police duties, discipline and laws, sec. 4; and rules and regulations, not including corporal punishment, nor sentence of death, may be established at the discretion of the Governor, sec. 4; penal or convict gangs, apparently an important part of the system, are likewise to be formed (most probably by drafts from the different parishes) and employed in public works, and to be subjected to rules and regulations afterwards to be established, and which ought to be known in this country. And all persons resident in such colonies, not excepting women and children, may be compelled to labour in the cultivation of land, or in manufactory duties, at some fixed rate of remuneration, sec. 18.

In the absence of information respecting the working of this plan, which has been in force ever since the month of December 1833, it seems superfluous to do more than to advert to the more suspicious clauses.

N.B.—On reference to papers published by the House of Commons, Part 2, "relative to abolition of slavery," it appears that in consequence of the above Act proving insufficient, an Act was passed in aid thereof, on the 27th June 1834, enabling the Governor to raise and officer a police force of 1,000 men, but the Act in Aid expires 31st December 1835. And for the present unsettled and unsatisfactory state of the police law, *vide* "Parliamentary papers in explanation of the proceedings of the legislature of Jamaica," p. 31.

JAMAICA:—AN ACT to increase the Power of the Magistracy of this Island in the Appointment of Special Constables:—Passed 5th December 1833; consented to 12th December 1833.

So far as negroes and persons engaged in their religious and civil instruction are concerned, there seems no particular objection to this statute. It differs, however, from the English statute, 1 Geo. 4, c. 37, on the same subject, in giving to the Jamaica authorities a general discretionary power of appointing special constables, which is limited to particular periods or circumstances by the English statute, sec. 1. The English statute likewise makes special exception of persons "legally exempted," who are not excepted in the operative clauses of the Jamaica Act, but are left among other persons "aggrieved" to their remedy by appeal to the Governor; and reasonable allowances are made by the English statute for trouble and expense, which are not compensated by the Jamaica Act. As an appeal to the Governor is however given to persons aggrieved, and penalties are recoverable only by attachment, after hearing affidavits on both sides in the supreme or assize courts, sufficient protection is probably given to missionaries and other persons against the vexatious abuse of this statute.

JAMAICA:—AN ACT for the Summary Punishment in certain cases of Persons wilfully and maliciously endangering or committing Trespasses on Public or Private Property:—Passed 10th December 1833; consented to 12th December 1833.

Notes and References.

1. It is easy to conceive how this statute, like the provisions in first Jamaica Abolition Act, ss. 30. 44, may be applied to oppressive purposes, *vide* those sections and note thereto. The English statute, 7 & 8 Geo. 4, c. 30, on the same subject, makes certain provisions against such abuses, which cannot be less needed in a colonial community. For instance, s. 20, for injuries to trees, shrubs, &c., growing at large, requires the injury to amount to 1 *s.* at the least, a minimum which ought to be fixed in all other cases where no malice can be fairly imputed. In s. 20, for injuries to vegetable productions, productions growing at large, the penalty is not

Sections.

1. Enacts that any persons wilfully and maliciously committing any damage, injury, or spoil to or upon any building, fence, hedge, gate, stile, guide-post, milestone, or post, tree, orchard, garden, cane or corn-field, coffee-walk, pimento-walk, or any provision or other land in cultivation, or any thing growing or being thereon, or to or upon real or personal property of any nature or kind soever, on conviction thereof before a justice within four calendar months, shall forfeit to the person aggrieved such a sum of money as shall appear to the justice to be a reasonable "satisfaction" and compensation for the damage or injury or spoil, not exceeding 5 *l.*

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not to exceed 20 *s.* or one month's imprisonment for the first offence; s. 24, which applies to most other injuries of this description orders reasonable "compensation" not "satisfaction" (which may be made to include something more); and compensation is not to exceed 5 *l.* or otherwise imprisonment not exceeding two months; and these enactments are not to include cases where the offender acted under a fair and reasonable supposition that he had a right to do the act complained of.

in any case, and in default of payment with costs, he may be committed to hard labour for three months, unless sooner paid.

2. The imprisonment is reduced to six weeks in case of male offenders under 16 years of age.

3. The English stat., s. 28, authorises an apprehension without warrant only where the party is "found committing" the offence; and s. 29 limits this summary conviction to three months after the commission of the offence. Two most important protections against abuse, which ought to be introduced into this statute.

3. Authorises any peace-officer or injured party, or his servants, or other person whom he may call to his assistance, without warrant, to apprehend the person who shall have actually committed or be in the act of committing any such offence, and to take him before the nearest justice as aforesaid.

4. Instead of a double imprisonment on non-payment of costs, as here, the English stat., s. 33, punishes the offender only according to the original conviction, except with additional costs of appeal; and s. 34 of the English stat. enables the justice on any case of a first offence to discharge the offender on payment of the simple damage and costs; and s. 41 requires that all convictions should be filed at the quarter sessions. Two very important regulations, which ought to be adopted here.

4. On appeal against such conviction to the quarter sessions, and failure, and subsequent default to pay the penalty and costs, the offender may be committed for six months, unless they be sooner paid.

JAMAICA:—AN ACT for preventing Tumults and Riotous Assemblies, and for the more speedily and effectually punishing such Rioters:—Passed 11th December 1833; consented to 31st December 1833; expires 31st December 1836.

CORRESPONDS with the English Statutes in *pari casu*.

AN ACT to consolidate and amend the several Laws relating to the Clergy of this Island, and to invest the Bishop of Jamaica with Ecclesiastical Jurisdiction:—Passed 12 December 1833.

By this Act, rectors and curates are, with the consent of the justices and vestry, weekly to visit workhouses, gaols, and hospitals, placed under their care by the bishop, for the purpose of affording instruction and religious consolation to prisoners and patients confined in such places, and also to visit and attend estates and plantations in their respective parishes and precincts, as the bishop shall order and direct, for the purpose of affording the same advantage to the slaves resident thereon; provided the consent and approbation of the persons in possession of such estates or plantations shall be first had and obtained.

The visits of the clergy generally, but especially at the request of an inmate of such places of confinement, ought not to depend on the consent of the justices and vestry, nor even on the appointment of the bishop; *vide* remarks on Houses of Correction Act already analysed.

What effect the Abolition Act may produce on the power of the clergy to visit estates seems doubtful; but as apprentices are to be treated as free men in all matters not incident to their servile condition, the absolute right to receive instruction and religious consolation in their own huts seems in all cases reasonable; in cases of sickness and infirmity it is essential; and in no case ought it to depend on the consent of the owners of estates on which apprentices are compulsorily resident.

JAMAICA:—AN ACT to enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers, and others:—Passed July 4th, 1834; expires 31st December 1840.

THE date of this Act, as well as the period of its duration, discovers an intimate connexion with the apprenticeship system. As it regards "apprentices," indeed, *eo nomine*

No. 3. Analysis of Jamaica Acts.

the first section certainly, and probably the second and third also, except those who became such under the Abolition Act; but the fourth section expressly includes "any servant in husbandry, mechanic, artificer, handicraftsman, labourer, person employed in droggers, body or house servant, or other person, without exception, who shall contract to serve with any person or persons whomsoever, and may be presumed to comprise apprentices under the Abolition Act undertaking to perform task work, extra labour, or any other species of contract service for their employers." This Act gives a jurisdiction therefore to the ordinary justice over all such persons in cases of misbehaviour or misconduct; and, independently of its partial and defective character, seems in other respects clearly repugnant to the Imperial Act, section 18. It is moreover rendered unnecessary by various clauses in the Jamaica Abolition Act providing for the same offences.

AN ACT to register Fire-arms, and to enforce the several Laws relating to Arms and Gunpowder, and to the protection of Property and Person:—Passed 4 July 1834; expires 31 December 1838.

The constitutional objections that might be urged against so much of this Act as refers to the carrying and keeping of arms, do not come properly within the scope of the analysis, since this part of the Act, though probably aimed at free negroes and persons of colour chiefly, is applicable to all persons whomsoever, without distinction, and it occasions no necessary interference with matters incident to the relation between master and apprentice. Perhaps the same remarks might in strictness apply to the remaining clauses of the Act; but their oppressive tendency is so obvious and direct upon the social intercourse, comfort and personal security of apprentices, as well as of missionaries, teachers and other persons visiting plantations, even at reasonable hours and "in pursuit of lawful objects," that they cannot be passed over without some notice.

It appears from section 13, that "any person" whoever entering upon any estate "in search or pursuit of anything whatsoever," without leave of the owner, may, without any previous notice, be convicted of a trespass, and be fined to any extent not exceeding 10 *l.*, or imprisoned for any time not exceeding one month. By sec. 14, the occupier of the estate or his servant, or any person authorised by them for that purpose, may, without producing any written authority, order any such trespasser to quit the premises, and to tell his christian and surname and place of abode, and if he refuses altogether, or state his abode too "generally," or wilfully continue on or return to the premises, the person so requiring the address, or any person by his order, may apprehend such trespasser, and convey him before a justice of the peace (not the nearest); and on conviction before two justices, such trespasser is liable to a fine not exceeding 20 *l.*, or to imprisonment not exceeding three months: And by sec. 15, a trespasser, if he assault or obstruct the apprehender, though without any evidence of his authority, is on conviction liable, over and above the original penalty of trespass, to a further penalty not exceeding 100 *l.*, or to imprisonment not exceeding three months. Not to dwell upon the unwarrantable severity of such penalties as these, even in cases of actual guilt, it cannot surely be intended that persons visiting estates "on errands of friendship or mercy, or on lawful business, and at reasonable times or under reasonable supposition of having a right to be there," should be exposed to such arbitrary proceedings; and yet no exception is made in their favour. The right to seize and convey before a justice, if permitted at all without warrant, ought at least to be confined to estate constables, and, as in the English statute, applied only to "suspected persons and reputed thieves," or to cases accompanied with some reasonable suspicion of an unlawful object, and the ruinous penalty upon resistance ought to be limited to the cases included in the English statute, 5 Geo. 4, c. 83, and noticed in remarks upon the Jamaica Vagrant Act, sec. 4; and as a protection to well-disposed persons in such cases, menial servants and others thus acting without warrant ought to be summarily punished by the justice for all abuses of so dangerous an authority.

AN ACT to amend the Elective Franchise:—Passed 20 December 1834.

AN ACT to consolidate the Highway Laws of this Island:—Passed 20 December 1834.

By the Elective Franchise Act, payment of 5 *l.* per annum in public or parochial taxes, or renting a tenement of the annual value of 50 *l.* with due registration, qualifies to vote for a member of assembly, a vestryman, a coroner, and in the city of Kingston, for a mayor, alderman and common-councilman.

By the Highway Act, the justices and vestry of the several parishes in the island are required annually, under a penalty of 100 *l.*, to lay a tax on all apprentice labourers, horses,

horses, geldings, mares, mules, asses and neat cattle within their respective parishes, in like manner as they assess the parish tax, to such amount as in their discretion they shall think sufficient and proper, for making, mending and keeping in repair the highways and public roads of each parish; which tax shall be paid in money or discount by labour, or supplying other articles necessary for making or repairing roads in the manner thereinafter directed. The taxation of apprentices, under any circumstances, may, for the reasons assigned by the Governor in his message to the House of Assembly of 17th November 1835 (*vide* Parliamentary papers, in explanation of the proceedings of the legislature of Jamaica, pp. 18, 19), be considered inconsistent with the spirit of the Imperial Act. At all events, taxation and fair representation must, under a free government, be considered as correlative provisions. Whatever may be thought of the amount of qualification to vote for a member of assembly, which nevertheless appears much too high to confer any practical benefit on the emancipated negroes, there seems no pretence for requiring the same amount on the election of a vestryman invested by the Highway Act with such extensive powers over apprenticeship property, and still less on the election of a coroner, whose appointment ought to extend equal protection to the lives of all classes in the community.

The highway-tax may be distrained for in case of non-payment, and any surplus of the tax on the settlement of the annual accounts shall be appropriated by the justices and vestry in aid of the road-tax of the following year, or for any other parochial purpose whatsoever, as to the said justices and vestry shall seem meet. The justices and vestry are further empowered to fix the hire of apprentices, carts and cattle employed in these duties, but nevertheless at the customary prices. The inspector is made the sole judge of the ability of the apprentice, and the competence of his cart or cattle for these duties; and no exception appears to be made of provision grounds, in the power to break up lands for the repairs of the road. The 52d, 53d and 54th clauses, containing very exceptionable enactments against smoking, carrying fire, depositing filth, and the punishment of apprentices offending against the Act, have been since repealed by an Act passed 18 December 1835; but a distinction between apprentices and other offenders, which appears invidious, is still left in clause 73, enabling the justices to inflict flogging in lieu of other punishments in the case of apprentices.

AN ACT to enable Parties having Claims to the Services of Apprenticed Labourers to assert their Title at Law, and for other purposes:—Passed 20th December 1834.

Enacts, that all persons claiming title to the services of any apprenticed labourer, in opposition to the claims of the person or persons in possession, on or immediately before the 1st of August 1834, may bring actions of ejectment to recover the right to the services of the said apprenticed labourers during the remainder of their apprenticeship term, in the same manner as if it had been an ejectment for slaves. And as no writ of possession can now issue, in case of a verdict and judgment for the plaintiff, it further enacts that in such case it shall be lawful for the lessor of the plaintiff to apply to the supreme court for an order compelling the party in possession to assign and transfer by deed or conveyance the right or interest of him, her or them, in and to the services of such apprenticed labourers; and the court, upon proof of wilful disobedience or neglect, is authorised and required to enforce such order by process of contempt.

The Imperial Act, sec. 9, intended no doubt to prevent the improper separation of families by indirect methods, not less than by those specified in that Act.

The Colonial Act of Ejectment certainly presents an easy method of evading the Imperial measure, where persons are desirous of purchasing and transferring the services of individuals of an apprentice family, and not of the entire family. In such a process, the real nature of the transaction does not appear; in case of a collusive judgment by default, the merits are not even inquired into. The judgment itself is not a transfer of property, but an adjudication of a right existing before the Imperial Act came into operation, and nothing intervenes after the judgment to prevent the colluding defendant from immediately handing over the pretended property to the colluding plaintiff.

In all such cases, the apprentice should be made a co-defendant, and an order of court, founded on an affidavit by the lessor of the plaintiff of the *bonâ fide* nature of his claim, ought to be an essential preliminary to all transfers of possession.

Appendix, No. 4.

BARBADOES—(No. 1.)

No. 4. Colonial Abolition Acts.

BARBADOES.

AN ACT to repeal certain Clauses of an Act, intituled, "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers," and to substitute other Clauses in the place of certain of such repealed Clauses.

May it please Your Majesty, that it may be Enacted;

Clause 1st. The 4th, 5th, 12th, 13th, 14th, 15th, 24th, 27th, 33d, 103d and 104th clauses of the Act for the Abolition of Slavery repealed.

Proviso, the repeal of said clauses not to affect the construction of any clauses therein having reference thereto.

AND be it enacted by the Governor, Council and Assembly of this Your Majesty's island of Barbadoes, that the 4th, 5th, 12th, 13th, 14th, 15th, 24th, 27th, 33d, 103d and 104th clauses of the said Act, intituled, "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers," shall be and the same are hereby repealed: Provided nevertheless, and be it also enacted, that the repeal of the said last-mentioned clause shall not alter or in anywise affect the construction of any other clause or clauses in the said Act for the abolition of slavery which may refer to any of the clauses so repealed, but that such unrepealed clauses shall have and receive the same construction with reference to any clauses by this Act substituted for such repealed clause as if these substituted clauses had been originally enacted.

Clause 2d. Apprenticed labourers to be divided into classes of prædials attached, prædials unattached and non-prædials.

And be it further enacted, that all apprenticed labourers shall be divided into three distinct classes; the first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture or in the manufacture of colonial produce, or otherwise upon lands belonging to their owners; the second of such classes consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture or in the manufacture of colonial produce, or otherwise upon lands not belonging to their owners; and the third of such classes consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the preceding classes: Provided always, that no person of the age of 12 years and upwards shall be included in either of the said two classes of prædial apprenticed labourers, unless such person shall for 12 calendar months at the least next before the 28th day of August 1833 have been habitually employed in agriculture or in the manufacture of colonial produce.

Clause 3d. Registrar of slaves to deliver to employers of apprenticed labourers their original returns, who are to distinguish the classes, and return such lists back to the registrar in three months after.

And be it further enacted, that the registrar of slaves shall immediately after the passing of this Act deliver to the employers of apprenticed labourers applying for the same, their last lists or schedules of slaves; and every employer of apprenticed labourers, by himself or herself, or by his or her constituted attorney in this island in the case of absentees, or in case any such employer be an invalid or incompetent, then by some other person or persons, shall return back to the registrar such lists or schedules within three months from the said period, distinguishing in reference to each apprenticed labourer therein mentioned (then being an apprenticed labourer), to which of the said three classes such apprenticed labourer belongs; and every such return shall be made on oath before the registrar, who is hereby authorized and required to administer the same, as follows: "I, *A. B.*, do swear, that the distinctions made in the return now presented by me of the classes of apprenticed labourers to which such of the respective slaves therein named, who are now apprenticed labourers, belong, correspond with the occupations usually performed by such apprenticed labourers in their state of slavery, for 12 months previous to the 28th day of August 1833."

Clause 4th. Apprenticeship of all prædial labourers to cease on the 1st August 1840;

and not to perform more than 45 hours work per week between Monday and Friday: watchmen and cattle-keepers excepted

Those under 12 years of age to perform the 45 hours between Monday and Saturday.

Apprenticed labourers not to be prevented attending any place of religious worship.

And be it further enacted, that no person who by virtue of this Act shall become a prædial apprenticed labourer, whether attached or not attached to the soil, shall continue in such apprenticeship beyond the 1st day of August 1840, and that during such his or her apprenticeship no such prædial apprenticed labourer, whether attached or not attached to the soil, shall be bound or liable, by virtue of such apprenticeship, to perform any labour in the service or for the benefit of the person or persons entitled to his or her services for more than 45 hours in the whole, in any one week, unless he or she shall enter into some contract for that purpose; and that such 45 hours' labour shall be performed between the Monday morning and Friday evening of every week, leaving Saturday and Sunday at the disposal of such prædial labourer, except in the case of any prædial labourer who may be employed in the protection of property, or in tending of cattle, or any other stock, who shall be bound to perform a part of such 45 hours' labour on those days: Provided always, and be it also enacted, that in all cases where such prædial apprenticed labourers shall be under the age of 12 years, then such prædial apprenticed labourers shall perform such their 45 hours' labour between the Monday morning and Saturday evening of each week: Provided always, that no apprenticed labourer shall be liable to be hindered or prevented from attending anywhere on Sundays for religious worship at his or her free will and pleasure, but shall be at full liberty so to do, without any let, denial or interruption whatsoever.

And

No. 4.
Colonial Abolition Act.

BARBADOES.

And be it further enacted, that no apprenticed labourer shall be subject or liable to be removed from this island; and that no prædial apprenticed labourer who may in manner aforesaid become attached to the soil, shall be subject or liable to perform labour in the service of his or her employer or employers, except upon, or in, or about the works and business of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on or previously to the said 1st day of August 1834; provided nevertheless, that with the consent, in writing, of any two or more special justices of the peace, to be appointed under the Slavery Abolition Act, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his, her or their services to any other estate or plantation within this island, to such person or persons belonging, which written consent shall in no case be given, or be of any validity, unless such justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife, or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and such consent shall be in the form hereto annexed, marked (A.)

Clause 5th.
No apprenticed labourer to be removed from the island;

Nor to be transferred from one estate to another without the written consent of two or more special justices.

And whereas the following proviso is inserted in the 108th clause of the said Act: "Provided nevertheless, that nothing herein contained shall extend or abrogate, or take away the powers vested by law in the court of grand sessions, or the several courts of common pleas in this island, or the right of appeal to the governor and council from any decision of any special justice of the peace, by any person or persons who may feel themselves aggrieved thereby:" Be it enacted, that the said proviso shall be and the same is hereby repealed; provided nevertheless, and be it further enacted, that nothing in the said 108th clause of the said Act contained shall extend, or be construed to extend, to abrogate or take away the powers by law vested in the supreme courts of record, or the superior courts of civil and criminal justice in this island.

Clause 6th.
Proviso repealed.

Power in the courts here mentioned not abrogated.

And be it further enacted, that no special constable appointed, or to be appointed under the 111th clause of the said Act, shall be allowed to confine, for safe custody, any apprenticed labourer attached to any plantation or place, except in those cases in which other of His Majesty's subjects might be taken into custody by any ordinary constable, or to those cases in which it may be reasonably presumed that any apprenticed labourer, having offended against the said Act, will attempt to escape, anything in the said Act to the contrary contained notwithstanding: Provided always nevertheless, that all buildings used as places of confinement, however temporary, shall be approved of for that purpose by the special justice of the peace of the district, who is hereby required occasionally to visit the same.

Clause 7th.
Apprenticed labourers not to be confined by special constables, except for such offences as an ordinary constable could confine any other of His Majesty's subjects.

Domestic prisons to be inspected by special justices.

And whereas by the 11th section of the Act of the Imperial Parliament for the abolition of slavery, it is enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer shall be and is, and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as an owner is required to supply to and for any slave being of the same age and sex as such apprenticed labourer shall be: And whereas it is in and by the 16th section of the said last-mentioned Act recited, that it would also be necessary for the protection of such apprenticed labourers as aforesaid, that various regulations should be framed and established in the said respective colonies, for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance and such other maintenance and allowances as they were thereinbefore declared entitled to receive, and for regulating the amount and quality of all such articles, in cases where the laws then existing in any such colony may not in the case of slaves have made any regulation, or any adequate regulation for that purpose, and it was also necessary that proper rules should be established for the prevention and punishment of any frauds which might be practised, or of any omission or neglects which might occur respecting the quantity or quality of the supplies so to be furnished, or respecting the periods for the delivery of the same: And whereas by an Act of this island, intituled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the mode of Trial of those charged with Capital and other Offences, and for other purposes," being the only law in force respecting slaves at the time of the passing of the said Act by the Imperial Parliament, the amount and quality of the articles to be furnished slaves are not regulated: Be it therefore enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being entitled to the services of every such apprenticed labourer, shall be and is and are hereby required to supply, or cause to be supplied to him or her such food as hereinafter mentioned, that is to say, each and every such apprenticed labourer above the age of 10 years, shall receive in each week not less than 30 pounds of plantains, potatoes, yams or eddoes, or 10 pints of Guinea or Indian corn, and two pounds of cod fish or herrings, shads or other pickled fish, or other salted provisions equal thereto; and every such apprenticed labourer under the age of 10 years shall receive the one-half of the first-mentioned allowances of food; provided nevertheless, that the person or persons entitled to the services of any such apprenticed labourers, or any person or persons acting in his or her behalf who may be unable or unwilling to procure such provisions as are hereinbefore mentioned, may, with

Clause 8th.
11th section of the Act of Parliament recited.

16th section recited.

The quantity of food to be supplied weekly to apprenticed labourers.

with the authority in writing of the special justice of the peace of the district in which such apprenticed labourer or labourers are or is resident, substitute for the same, or any part or parts thereof, any other kind of provisions, or any money payment or allowance of time, for such apprenticed labourer or labourers to work for his, her or their own benefit and advantage, as shall in the judgment of such special justice be equivalent to the allowances hereinbefore prescribed; and all provisions so to be delivered and supplied to the apprenticed labourers shall be sound and fit for consumption, and of good average and merchantable quality; and the same shall be delivered and supplied to such apprenticed labourer once (or oftener) in each week, on any other day than Saturday or Sunday; and if any such person or persons as aforesaid, subject and liable so to do, shall not deliver or supply to such apprenticed labourer provisions of such amount and quality, and at such times as he, she or they is or are hereinbefore required to deliver and supply the same, such person or persons shall incur and become liable to a penalty (provided complaint thereof be made within 28 days) equal to twice the value of the provisions which ought to have been supplied for the benefit of the apprenticed labourer injured by such omission or neglect, unless it can be proved that the same cannot be purchased in any of the towns or markets of this island: Provided nevertheless, that in times of scarcity the Governor, by and with the advice of the council, may from time to time, by proclamation to be by him for that purpose issued, authorize the substitution of any other provisions or allowances which can be procured in lieu of the aforesaid allowances: Provided always nevertheless, that whilst apprenticed labourers are imprisoned in any house of correction or public prison of this island, the employer or employers of such apprenticed labourers shall not be bound to provide them with any allowance of food, or money to purchase food, but they shall be fed at the public expense; and in all such cases where a weekly payment shall be agreed on as aforesaid, then such weekly money payment or wages shall be recovered before the special justice of the district where such apprenticed labourer shall reside: Provided always, and be it enacted, that the employers of apprenticed labourers shall not be compelled to furnish their apprenticed labourers with more than one pound of such fish or salted provisions until the expiration of one month from the passing of this Act.

Substitution of other food, or payment in money, in lieu thereof, permitted.

Penalty on employers for default.

In time of scarcity the Governor by proclamation may substitute other provisions.

Clause 9th. Additional clothing to be furnished to apprenticed labourers and a blanket to each.

And be it further enacted, that in addition to the clothing directed by the aforesaid Act of the said island for the abolition of slavery to be furnished to apprenticed labourers, every person entitled to the services of apprenticed labourers, shall be bound, under the penalty provided by the said Act, to furnish annually an additional shirt and pair of trowsers to each male, and an additional shift and petticoat to each female, and also a blanket to each apprenticed labourer every two years; such additional clothing and blanket to be issued at the period of the year prescribed by the 31st clause of the said last-mentioned Act.

Clause 10th. Apprentices to be compelled in time of necessity to give their services.

Penalty for refusing to work.

And be it further enacted, that in all cases of urgent necessity, such as fire, tempest, and occurrences of a similar nature, it shall be lawful for the owner or other person in the management of any property, whenever such necessity shall occur, to require and compel the immediate and continued services of all or any of the apprenticed labourers attached to such property during such emergency, anything herein contained to the contrary in anywise notwithstanding; and every apprenticed labourer who shall refuse, when called on, to perform any such services, shall be liable to all such penalties as he or she would be liable to for any undue performance or neglect of work during any time his or her employer may be entitled to his or her services.

Clause 11th. Causes of excuse to be admitted for absence from employer's service.

And whereas by the 58th clause of the said Act, certain causes are mentioned which alone exempt an apprenticed labourer from punishment in case of absence from his or her employer's service: and whereas other causes may arise which ought to exempt an apprenticed labourer from punishment in case of absence: Be it therefore enacted, that the several special justices of the district before whom any complaint may be exhibited against any apprenticed labourer for absence from his or her employer's service, may admit any other reasonable cause for such absence, which shall be proved on oath to have existed at the time, and which shall appear just to such special justice.

Clause 12th. Apprentices not to be arrested for debt, &c.

And be it further enacted, that no apprenticed labourer, during his or her apprenticeship, shall be arrested or imprisoned in any action of debt, assumpsit, covenant, or other action founded on contract, nor shall any apprenticed labourer be liable to be arrested or taken in execution by virtue of any writ of execution obtained in any such action or actions during his or her apprenticeship, nor shall any apprenticed labourer be liable to be taken in execution for any debt or demand against his or her employer.

Clause 13th. Punishment of apprentices for trespass or slander.

And be it further enacted, that if any apprenticed labourer shall commit any trespass upon his or her employer's property, whether real or personal, or be guilty of uttering any slander, or of publishing any libel against his or her employer or employers, he or she shall on conviction thereof, before the special justice of the district to which he or she shall belong, be adjudged to perform any number of extra days' labour, in the service of his or employer or employers, or to imprisonment with hard labour for any time not exceeding one calendar month, or solitary confinement not exceeding one week; or if a male, to whipping, not exceeding 20 stripes; and if any such apprenticed labourer, so convicted, shall afterwards be guilty of any of the said offences, and shall be convicted thereof before such special justice of the peace as aforesaid, every such offender shall be committed to the house of correction for such term, not exceeding three months, as the said justice before whom he or she shall be convicted shall think fit, and shall be worked on the treadmill or public works; and, if a male, to be whipped, not exceeding 39 stripes: Provided always nevertheless, that this enactment shall not exempt any such apprenticed labourer from his or her liability to

such

such actions or prosecutions as other persons of free condition may be subject and liable to in respect of any such offences by him or her done or committed; provided nevertheless, that no such apprenticed labourer shall be liable to be sued or prosecuted, both under this Act and under the general law.

Read three times, and passed the Council unanimously, the 18th day of August 1835.

Wm. Husbands,
Clerk of the Council.

I assent, *Lionel Smith.* 19 August 1835.

Read three times, and passed the General Assembly, *nemine contradicente*, the 18th day of August 1835.

John Mayers,
Clerk of the General Assembly.

(A true Copy.)

Attested the 21st day of August 1835.

(signed) *Wm. Husbands*, Secretary.

(A.)

FORM of Consent by two Special Justices to the removal of a Prædial Apprenticed Labourer, attached:

Barbadoes.—Whereas application hath been made to us by *A. B.* of the parish of , in the island abovesaid, esq., for our consent to the removal of *C. D.*, his prædial attached apprenticed labourer, from the estate of the said *A. B.*, called , situate in the parish of and island abovesaid, to his estate called , situate in the parish of and island abovesaid; and we, having taken the said application into our consideration, and inquired into all the necessary circumstances, do hereby consent to the removal of the said *C. D.* accordingly.

Given under our hands and seals this day of in the year .

(L. S.) *E. F.*, S. P. J. for the district of .
(L. S.) *G. H.*, S. P. J. for the district of .

BARBADOES, (No. 2.)

AN ACT for continuing in force and amending an Act, intituled, "An Act for the temporary establishment of a Rural Police for this Island."

Preamble.

WHEREAS it is expedient to continue the said Act, may it therefore please Your Majesty that it may be enacted, and be it enacted by the Governor, Council and Assembly of this Your Majesty's island of Barbadoes, that an Act of this island, made the 24th day of April 1835, intituled, "An Act for the temporary establishment of a Rural Police for this Island," which was to continue in force for six months from the passing thereof, shall be and the same is hereby continued until the 1st day of August 1840.

Clause 1st.

The Act of the 24th April 1835 continued in force until the 1st day of August 1840.

Clause 2d.

And whereas it has been found by experience that the mounted police are much more required than the foot for the performance of the duties of the rural police, and it is therefore expedient to increase the number of the mounted police, and diminish that of the foot; Be it therefore enacted, that the Governor or Commander-in-chief of this island shall, at such time and times as it shall appear proper and convenient to him, increase the number of the mounted police, and diminish the number of foot until there shall be the following number of police officers for the different districts, that is to say, for District A., 12 mounted privates and five foot; for District B., 16 mounted privates and five foot; for District C., 16 mounted privates and five foot; for District D., 12 mounted privates and five foot; for District E., 16 mounted privates and five foot; and for District F., 12 mounted privates and five foot.

The Commander-in-chief is to appoint police officers for the several districts here mentioned, increasing the number of mounted and diminishing the foot.

Read three times, and passed the Council unanimously, the 18th day of August 1835.

Wm. Husbands,
Clerk of the Council.

I assent *Lionel Smith.* 19 Aug. 1835.

Read three times, and passed the General Assembly, this 18th day of August 1835.

John Mayer,
Clerk of the General Assembly.

(A true Copy.)

Attested this 21st day of August 1835.

(signed) *Wm. Husbands*, Secretary.

No. 4. Colonial Abolition Acts.

St. Vincent.

ST. VINCENT.—(No. 1.)

AN ACT to repeal certain Clauses, and to alter and amend an Act intituled "An Act for the Abolition of Slavery in the Island of *St. Vincent* and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves.

Clause 1. Whereas it has been deemed expedient to repeal certain parts and to alter and amend other parts of an Act intituled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good conduct of the manumitted Slaves." May it therefore please your Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Lieutenant-governor, Council and Assembly of the said Island of St. Vincent and its Dependencies, and by authority of the same, that from and after the publication of this Act, the 22d, 25th, 34th, 35th, 45th, 46th, 51st and 62d clauses of the above mentioned Act for the Abolition of Slavery shall be and are hereby repealed; provided always, that such repeal shall not invalidate or annul any matter or thing heretofore done in pursuance of the said Act.

2. And whereas by the 15th clause of the before recited Act, 11 days are allowed to every prædial apprenticed labourer out of the 45 working hours in each week, over and above the one day allowed in each week and Sundays in every year, at the discretion of the employer, and it is expedient to increase the time; be it therefore enacted, that 19 days in addition to the 11, be allowed to each prædial apprenticed labourer during the continuance of his apprenticeship term, at the like discretion of the employer as to the period when such time shall be given, or such an equivalent as may be agreed upon between the apprenticed labourer and his employer: provided that the whole number of days so allowed to the prædial apprenticed labourer shall not exceed three consecutive days in one week.

3. And whereas by the 11th clause of the hereinbefore recited Act, it is amongst other things enacted that the consent in writing of one special justice shall be sufficient to authorize the removal of apprentices, with the consent of the party to be removed, and it is expedient to amend the same; be it therefore enacted, that from and after the publication of this Act such part of the said 11th clause as relates to the consent of the party to be removed, shall be and is hereby repealed, and the consent in writing for such removal shall be by two or more special justices, instead of one as heretofore.

4. And be it further enacted, that so much of the 13th clause of the said recited Act as relates to the consent of the party whose services are proposed to be sold or transferred, shall be and is hereby repealed.

5. And whereas it is necessary to define the good and ample provision intended by the 18th clause of the before recited Act, in cases where it may be impracticable to maintain the apprenticed labourers by allotments of land; be it therefore enacted, that in all cases each and every apprenticed labourer above the age of 10 years shall receive in each week not less than four quarts of wheat flour, or of farine, or the flour or meal of Guinea, or Indian corn, or 20 lbs. of yams or potatoes, and every apprenticed labourer below the age of 10 years shall be supplied with one half of the beforementioned allowance in each week, which allowance shall be delivered to the mother or nurse of every such infant apprenticed labourer.

6. And be it further enacted by the authority aforesaid, that all persons who became apprenticed labourers on the 1st day of August, 1834, shall be and are hereby declared to be entitled to all the rights and privileges of free persons, except as the same be restricted by this or any other Act passed in conformity with the provisions of the Imperial Act of 3 & 4 Will. 4, c. 73; provided always, that no such apprenticed labourer during the time of his apprenticeship shall have or exercise any political franchise whatsoever by virtue of any property which he may acquire, nor be capable of serving as a juror, or of holding any office, except as a constable or beadle, nor shall be eligible to serve in the militia, unless in cases of great emergency to be judged of by the Governor, Lieutenant-governor or person administering the government and a council of war, when he shall be compelled to serve with the same liabilities as all others serving in the militia.

7. And whereas it may happen that children who had not attained the age of six years on the 1st day of August 1834, or that children who after that day may have been born, or may hereafter be born to any female apprenticed labourer, may not be properly supported by their parents, and that no other person may be disposed voluntarily to undertake the support of such children, and it is necessary that provision should be made for the maintenance of such children in any such contingency: be it therefore enacted, that if any child who on the said 1st day of August 1834, had not completed his 6th year, or if any child to which any female apprenticed labourer may have given birth on or after the said 1st day of August 1834, or may hereafter give birth to, shall be brought before any special justice, and it shall be made to appear to the satisfaction of such justice that any such child is unprovided with an adequate maintenance, and that such child hath not completed his age of 12 years, it shall

shall be lawful for such justice, and he is hereby required on behalf of any such child to execute an indenture of apprenticeship, thereby binding such child as an apprenticed labourer to the person or persons entitled to the services of such mother; but in case it shall be made to appear to any such justice that such person aforesaid is unable or unfit to enter into such indenture and properly to perform the conditions thereof, then it shall be lawful for such justice, and he is hereby required by such indenture to bind any such child to any other person to be by him for that purpose approved of, and who may be willing and able properly to perform such conditions, and it shall by every such indenture of apprenticeship be declared whether such child shall thenceforward belong to the class of attached prædial apprenticed labourers, or to the class of unattached prædial apprenticed labourers, or to the class of non-prædial apprenticed labourers, and the term of such apprenticeship of any such child shall by such indenture be limited and made to continue in force until such child shall have completed his 21st year, and no longer; and every child so apprenticed as aforesaid by the order of any such justice as aforesaid, shall during his apprenticeship be subject to all such and the same rules and regulations respecting the work or labour to be by them done or performed, and respecting the food and other supplies to be to him furnished, as any other apprenticed labourer as aforesaid; provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.

8. And be it further enacted, that all complaints between employer and apprenticed labourer shall be tried in a summary manner by any special justice, and if such justice shall either dismiss the complaint or sanction any compromise between the parties, which he may think just, or convict the party charged, or commit him to prison to take his trial for the imputed offence, or if the complaint shall be dismissed, the justice shall in such his decision, to be in writing, state whether it was so dismissed as being unproved, or as being frivolous and vexatious, or as being malicious; and if any such complaint shall be so dismissed as frivolous and vexatious, the justice may award the complainant, if a labourer, to work in the service of his employer for any time not exceeding in the whole 15 extra hours in any one week; or if the complainant be the employer, the justice may adjudge such employer to the payment of a penalty for the use of the labourer of not less than 10*s.*, and not greater than 20*s.*; and if any such complaint shall be so dismissed as malicious, it shall be competent to such justice, at the instance of the party charged, to adjudge the complainant, if an apprenticed labourer, to imprisonment, with hard labour, for any time not exceeding one month; or if the employer of any such labourer, to a fine not exceeding 40*s.*, for the benefit of the party charged, which judgment shall be a bar to any suit, action or prosecution against such complainant for calumny, defamation or otherwise, in respect of such his complaint.

9. And whereas it is expedient that provision should be made, in cases of imprisonment on plantations by the special justice, against the use of unhealthy or otherwise improper places of punishment; be it therefore enacted, that in every such case, the special justice is hereby required and directed to satisfy himself that such places of imprisonment be not unhealthy or otherwise improper places for imprisonment.

10. And be it further enacted, that all offences specified in the 42d, 43d and 44th clauses of the above recited Act for the abolition of slavery shall be inquired of by one of the special justices, unless he shall see cause to refer any case for trial to the court of grand sessions of the peace, and no employer shall be authorised to inflict any corporal punishment on any male apprenticed labourer, nor shall any female be subject to be punished by whipping for any offence by her committed; but in all cases in which that punishment is authorised, it shall be understood as applying to the case of males only, and that all the offences in respect of which such punishment may be inflicted on any such male offender shall, when committed by women, be punished by confinement in the stocks or solitary confinement, for any period not exceeding 10 days, or by hard labour on the tread-mill, for any period not exceeding 30 days, as the special justice shall direct.

11. And be it further enacted, that when any apprenticed labourer shall be convicted of indolence, or neglect, or improper performance of work, the special justice before whom such conviction shall take place, may, if he sees fit, sentence the offender to corporal punishment, not exceeding 50 stripes, or three months' imprisonment to hard labour, or 10 days' solitary confinement, or to labour for such number of hours or days in his own time for the benefit of the person entitled to his services, as the justice of the case may seem to require, not exceeding fifteen hours in any one week: provided always, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of their right to proceed against any such apprentice in any of the superior courts of this island, for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject.

12. And be it further enacted, that all complaints made by any apprenticed labourer against the person entitled to his services, touching any fraud practised, or refusal to furnish any such apprenticed labourer with sufficiency of provision-grounds, or of other means of maintenance and support, in cases where such apprenticed labourer hath no provision-grounds, or of illegally and improperly withholding from such apprentice any portion of the time allowed him to cultivate such grounds, or of imposing task-work on any apprenticed labourer contrary to the provisions of the act or acts regulating the same, or of breach of any contract on the part of any person engaging the voluntary services of any apprenticed labourer, shall be heard, adjudged and determined before any one or more special justices, and he or they are hereby empowered to punish the offender in any of these respects, with a fine not exceeding 5 *l.*, and for default of goods and chattels whereon to levy such fine,

the offender to commit to gaol until he shall pay or satisfy the same, but such imprisonment not to exceed five days: provided that nothing herein mentioned shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed either civilly or criminally in the superior courts of these islands, for any private wrong or injury done to or committed against his property or person by any person whomsoever, nor to bar or destroy the right of His Majesty to proceed by bill of indictment or information.

13. And be it further enacted, that the punishments enumerated in the 56th clause of the before recited Act for the Abolition of Slavery, shall only be inflicted for the offences therein particularly mentioned and expressed.

14. And be it further enacted, that if any person shall buy, barter or truck for, or receive by any means of or from any apprenticed labourer, sugar, cotton, rum, molasses, cocoa, coffee, charcoal or fire-wood, without the knowledge or consent of the employer of such apprenticed labourer, signified by a note in writing specifying the nature and quantity of the goods, upon complaint made to any two or more justices, the person so offending shall, on conviction, be fined in any sum not exceeding 5 *l.* or double the value of the goods so clandestinely bought, to be levied by warrant and sale of the offender's goods, and for default of such goods, the offender shall be imprisoned in the common gaol for any number of days not exceeding five days.

Dated at Kingstown this 9th day of September, in the sixth year of the reign of our Sovereign Lord King William the Fourth, and in the year of our Lord 1835.

G. C. Grant, Speaker.

Passed the Assembly this 29th July 1835.

P. Hobson, Clerk of Assembly.

Passed the Council this 29th day of July 1835.

John Beresford, Clerk of Council.

In accordance with my instructions, I assent to this Bill.

George Tyler, Lieutenant-Governor.

Assented to by his Excellency the Lieutenant-Governor, this 9th day of September 1835, and in the sixth year of His Majesty's reign.

John Beresford, Public Secretary.

Duly published in Kingstown, this 9th day of September 1835.

Charles J. F. Hobson,
Pro. Mar. Gen.

(St. Vincent.)—These are to certify that the foregoing is a true and correct copy of an Act intituled "An Act to repeal certain clauses, and to alter and amend an Act intituled an Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the industry and good conduct of the manumitted Slaves." Assented to by his Excellency the Lieutenant-Governor, and published in Kingstown the 9th day of this instant month of September.—Given under my hand at the Secretary's Office, Kingstown, in the said Island of St. Vincent, this 15th day of September 1835.

John Beresford, Public Secretary.

ST. VINCENT.—(No. 2.)

AN ACT to Legalize the Police Settlement of the Windward Division, as a place of Confinement and Punishment.

Clause 1. WHEREAS there is now erected in Charlotte parish the buildings necessary to the Police Settlement of the Windward division, Be it therefore enacted by the Lieutenant-Governor, Council and Assembly of the Island of St. Vincent and its Dependencies, that it shall and may be lawful for any court, justice or justices, having cognizance of offences committed by apprenticed labourers, to sentence the apprenticed labourers of the Windward division found guilty thereof, to be confined and punished at the above settlement for such time and in such manner as the law prescribes.

2. And be it further enacted, that the periods of labour and duration of spells which the apprenticed labourers in the Windward division shall be sentenced to undergo in the treadmill at the above settlement, shall be the same as those prescribed by the Act for regulating the treadmill in Kingstown.

3. And be it further enacted, that the precautions directed by the Treadmill Act to be observed by the keeper of the treadmill in Kingstown, in case of alleged inability on the part of prisoners to undergo punishment, shall be observed in the like cases by the serjeant of police at the above settlement.

4. And whereas one acre of the land at the police establishment aforesaid, on which the buildings hereinbefore mentioned have been erected for the purposes of this Act, has been purchased from Alexander Cumming, Esq., as the attorney of the heir of John Gerard, deceased,

deceased, at or for the sum of 100 *l.* current money, as the full and true value of such acre, being part of the land belonging to the heirs of the said John Gerard, deceased, and the payment of the said sum of money has been actually made or satisfactorily secured to the said Alexander Cumming as such attorney; Be it therefore further enacted, that the said one acre of land and the buildings thereon erected, shall be and are hereby vested in His Majesty, his heirs and successors, for the public uses of the colony.

Dated at Kingstown this 9th day of September, in the sixth year of the reign of our Sovereign Lord King William the Fourth, and in the year of our Lord 1835.

G. C. Grant, Speaker.

Passed the Assembly this 30th July 1835.

P. Hobson, Clerk of Assembly.

Passed the Council this 30th day of July 1835.

John Beresford, Clerk of Council.

In accordance with my instructions, I assent to this Bill.

George Tyler.

Assented to by his Excellency the Lieutenant-Governor, this 9th day of September 1835, and in the sixth year of His Majesty's reign.

John Beresford, Public Secretary.

Duly published in Kingstown, this 9th day of September 1835.

(signed) *Charles J. F. Hobson*,
Pro. Mar. Gen.

(St. Vincent.)—These are to certify that the foregoing is a true and correct copy of an Act intituled "An Act to Legalize the Police Settlement of the Windward Division, as a place of Confinement and Punishment," assented to by his Excellency the Lieutenant-Governor, and published in Kingstown the 9th day of this instant month of September.—Given under my hand at the Secretary's office, Kingstown, in the said Island of St. Vincent, this 12th day of September 1835.

(signed) *John Beresford*, Public Secretary.

NEVIS.

AN ACT to alter and amend an Act intituled "An Act to provide for the maintenance, protection and good government of Apprenticed Labourers, and to settle the jurisdiction and authority of Special Magistrates.

Preamble and reciting Abolition Act.

WHEREAS, it is expedient that certain provisions contained in an Act passed by the Governor and Commander-in-Chief in and over the Islands of Antigua, Montserrat, Barbuda, St. Christopher, Nevis, Anguilla, and the Virgin Islands, and by the council and assembly of the said Island of Nevis, in the Fifth Year of the reign of His present Majesty, intituled "An Act to provide for the maintenance, protection and good government of Apprenticed Labourers, and to settle the jurisdiction and authority of Special Magistrates," should be amended and rendered more effectual; be it therefore enacted, by his honour the President administering the government of the Island of Nevis, and by the council and assembly of the same, that the sixth, the 15th, the 22d, the 23d, and the 33d clauses of the said Act hereinbefore cited, be repealed and made void to all intents and purposes whatsoever.

Sundry clauses of said Act repealed.

Provisions to be allowed to each apprenticed labourer.

2. And be it further enacted, that every person for the time being entitled to the services of any apprenticed labourer shall supply every such apprenticed labourer, weekly, with nine pints of Indian or Guinea corn or beans, or eight pints of pease, or wheat, or rye flour, or Indian corn meal, or nine pints of oat-meal, or seven pints of rice, or eight pints of cassava flour or farine, or eight pounds of biscuit, or 20 pounds of yams or potatoes, or 16 pounds of eddoes or tanias, or 30 pounds of plantains or bananas, and also one pound and one quarter of herrings, shads, mackerel, or other salted provisions, or two pounds and one-half of fresh fish or other fresh provisions, all which said provisions shall be of good and wholesome quality, upon pain of incurring a penalty of any sum not exceeding 10*s.* current money per week for every apprenticed labourer whom he shall wilfully neglect to supply with provisions as aforesaid; provided always, that no penalty shall be recoverable for or on account of any neglect to supply provisions to any apprenticed labourer as aforesaid, unless complaint of such neglect shall be made to any magistrate having special jurisdiction therein, within one calendar month after the time that such provisions ought to have been supplied as aforesaid; provided also, that it shall and may be lawful for such person entitled for the time being to the services of any apprenticed labourer, to reduce the quantity of provisions hereinbefore-mentioned to four-fifths in the whole of the quantity hereby required to be given to such apprenticed labourer, during such time as such apprenticed labourer shall be actually employed in the manufacture of sugar.

Penalty for neglect.

When to be recovered.

Allowance may be reduced to four-fifths during crop.

3. And

Apprentices may be removed from one estate to another, being the property of the same person, with consent of two magistrates.

3. And whereas great benefits have frequently been obtained by removing the labourers or some of them from one plantation to another, being the property of one and the same proprietor: be it therefore enacted, that it shall and may be lawful for any person entitled to the services of any attached prædial apprenticed labourer or labourers to transfer his or their services to any other estate or plantation within this island to such person belonging, having previously obtained the written consent and approbation so to do of any two justices of the peace having special jurisdiction therein.

Apprentice unlawfully entering on land of another person to be ejected by magistrate, who shall restore the same, with all crops thereon to the rightful owner, the ejected apprentice being subject to three months' imprisonment. Apprentice not to be so ejected after having had possession two years previous.

4. And be it further enacted that if any apprenticed labourer shall, without lawful authority, enter upon and take possession of any land belonging to any other person, it shall and may be lawful for any magistrate, having special jurisdiction therein, to dispossess and eject such apprenticed labourer from such land, and to cause the same, with all crops growing thereupon, and all buildings thereon erected, to be delivered up to the owner of such land, and may further adjudge such apprenticed labourer to suffer imprisonment for any time not exceeding three calendar months, if it shall appear to the satisfaction of such magistrate that such apprenticed labourer had wrongfully and fraudulently taken such possession; provided always, that no such apprenticed labourer shall be dispossessed and ejected in manner and form as aforesaid from any land belonging to any other person, if such apprenticed labourer shall have had undisturbed and peaceable possession of such land for the space of two years.

Prædial apprentice departing the island without a passport under the hand of person first in command on the island, subject to six months' imprisonment. Non-prædials if willing may accompany employer, or any part of his family, without passport.

5. And be it further enacted, that if any apprenticed labourer shall depart, or attempt to depart from this island without a passport, under the hand of the Governor or the officer administering the government of this island for the time being, which passport shall not be granted, except with the consent, in writing, of the employer of such apprenticed labourer, such apprenticed labourer shall be liable to suffer imprisonment for any time not exceeding six calendar months; provided always, that nothing herein contained shall be deemed or taken to prevent any non-prædial apprenticed labourer, who shall be truly a domestic servant or an attendant upon the person of his employer, or of any part of his family, from departing from this island, in attendance upon or in the same ship or vessel with his said employer, or any part of his family, if such apprenticed labourer shall be willing so to do, without any passport or other written authority whatsoever.

Any person sentenced to imprisonment under this Act for a misdemeanour, may, if a male, be also kept to hard labour, and be once whipped; and if a female once, or twice, or thrice confined in the stocks, but not more than eight hours in each confinement.

6. And be it further enacted, that when any person shall be convicted of any misdemeanour or other offence, punishable under this Act, for which imprisonment may be by this Act awarded, it shall be lawful for the court of justice having jurisdiction therein, to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, and, if a male, to be whipped with any number of stripes, not exceeding thirty, in addition to such imprisonment; and if a female, to be once or twice or thrice confined in the stocks, for any number of hours not exceeding eight in each confinement, in addition to such imprisonment, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour.

Date of Act, 16th October 1835.

Dated at Nevis, the 16th day of October, in the year of Our Lord 1835.

Joseph Stanley, Speaker.

Passed the Assembly this 29th day of September 1835.

S. A. Rawlins, Clerk of Assembly.

Passed the Board of Council this 29th day of September, in the year of Our Lord 1835.

Thomas Slater, Secretary and Clerk of the Council.

Published this day by beat of drum, 16th October 1835.

Walter Maynard, Provost Marshal.

(A true copy.)

Thomas Slater, Secretary and Clerk of the Crown.

MONTSERRAT.

MONTSERRAT.—(No. 1.)

AN ACT for the Protection and Maintenance of Apprenticed Labourers in this Island, and for ensuring the punctual discharge by such Apprenticed Labourers of the Services due by them to their Employers, and generally for regulating the conduct and for the punishment of any offences committed by such Apprenticed Labourers.

WHEREAS, by an Act of this island, entitled "An Act for the Abolition of Slavery," it is enacted, that slavery shall be utterly abolished and declared unlawful in the said island on the first day of August, in the present year of our Lord 1834, and that in conformity with the laws now in force in the said island, that all slaves who shall on or before the said 1st day of August 1834, appear by the registration in the Registrar of Slave's Office, to be of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers, provided for the purposes of the said Act, any slave engaged in his ordinary occupation on the seas shall be deemed and taken to be within the said colony: and whereas, it is enacted in and by the said recited Act, that proper rules and regulations should be framed and established for determining the manner and form in which, and the solemnities with which the voluntary discharge of any apprenticed labourer from such his or her apprenticeship may be effected, and for prescribing the form and manner in which, and the solemnities with which the purchase of any such apprenticed labourer, or his or her discharge from such apprenticeship, without or in opposition,

sition, if necessary, to the consent of the person entitled to his or her services shall be effected, and how the necessary appraisement of the future value of such services shall be made, and how and to whom the amount of such appraisement shall in each case be paid and applied, and in what manner and form, and by whom the discharge from any such apprenticeship shall thereupon be given, executed and recorded; and for the maintenance of order and good discipline amongst the said apprenticed labourers, and for ensuring the punctual discharge of the services due by them to their respective employers, and for the prevention and punishment of indolence or neglect, or improper performance of work by any such apprenticed labourer of any contract in which he or she may voluntarily enter into for any hire, during the time in which he or she may not be bound to labour for his or her employer, and for the prevention and punishment of insolence and insubordination on the part of any such apprenticed labourer towards their employer, and for the prevention or punishment of vagrancy, or of any conduct on the part of any such apprenticed labourer injuring or tending to the injury of any such employer; and for the suppression and punishment of any riot or combined resistance of the laws on the part of any such apprenticed labourer, and for preventing the escape of any such apprenticed labourer during their term of apprenticeship from the colonies to which they respectively belong: And it is further provided by the said Act, that rules and regulations should be framed and established for securing punctuality and method in the supply to them of such food, clothing, lodging, medicines, medical attendance and such other maintenance and allowances as they are hereinafter declared entitled to receive, and for regulating the amount and quality of all such articles in cases where the laws at present existing in this colony may not in the case of slaves have made any regulation or any adequate regulation for that purpose: and it is necessary that proper rules should be established for the prevention and punishment of any frauds which might be practised, or of any omissions or neglects which might occur respecting the quantity or the quality of the supplies so to be furnished or respecting the periods for the delivery of the same: and whereas it is necessary in those cases in which the food of any such prædial apprenticed labourers as aforesaid, may either wholly or in part be raised by themselves in the cultivation of ground to be set apart and allotted for that purpose, that proper regulations should be made and established as to the extent of such grounds, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourers, and respecting the deductions to be made for the cultivation of such grounds from the annual time during which such prædial apprenticed labourers are hereinafter declared liable to labour: and whereas, it may also be necessary by such regulations as aforesaid, to secure to the said prædial apprenticed labourers the enjoyment for their own benefit of that portion of their time during which they are not hereby required to labour in the service of their respective employers, and for securing exactness in the computation of the time during which such prædial apprenticed labourers are hereby required to labour in the service of such their respective employers; and it is also necessary that provision should be made for preventing the imposition of task work on any such apprenticed labourer without his or her free consent to undertake the same; but it may be necessary by such regulations in certain cases, to require and provide for the acquiescence of the minority of the prædial apprenticed labourers attached to any plantation or estate in the distribution of an apportionment amongst the whole body of such labourers of any task-work which the majority of such body shall be willing and desirous collectively to undertake; and it is also necessary that regulations should be made respecting any voluntary contracts into which any apprenticed labourer may enter with their respective employers, or any other person for hired service for any future period, and for limiting the greatest period of time to which such voluntary contract may extend, and for enforcing the punctual and effectual performance of such voluntary contracts on the part both of such apprenticed labourers, and of the person or persons engaging for their employment and hire; and it is also necessary that regulations should be made for the prevention or punishment of any cruelty, injustice or wrong or injury which may be done to or inflicted upon any such apprenticed labourers by the persons entitled to their services; and it is also necessary that proper regulations should be made respecting the manner and form in which such indentures of apprenticeship as aforesaid shall be made on behalf of such children as aforesaid, and respecting the registering and preservation of all such indentures: We therefore, your Majesty's dutiful and loyal subjects, the Honourable Harry Hamilton, the president, administering the Government and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted and ordained, that it shall and may be lawful for any apprenticed labourer, or for any other person on his behalf, to purchase his discharge from such apprenticeship for such sum of money or other consideration as may be agreed upon between such apprenticed labourer or any person on his behalf, and the person entitled for the time being to the services of such apprenticed labourer; provided nevertheless, that if any person discharged from such apprenticeship by any such voluntary Act as aforesaid, shall at that time be of the age of 50 years or upwards, or shall be then labouring under any such disease or mental or bodily infirmity, as may render him or her incapable of earning his or her subsistence, then and in every such case, the person or persons so discharging any such apprenticed labourer as aforesaid, shall continue and be liable to provide for the support and maintenance of such apprenticed labourer during the remaining time of such original apprenticeship, as fully as if such apprenticed labourer had not been discharged therefrom; but if it shall happen the person or persons entitled to the services of such apprenticed labourers shall be unwilling to grant such discharge from apprenticeship as aforesaid for the consideration in that behalf proposed, or if such person or persons or any of them shall be a minor, or married woman, or idiot, or lunatic, or shall

be under any legal or other disability, or shall be absent from this island without having a lawful and authorised representative therein, or cannot be found or known, or if any suit or action shall be depending in any court, either in this island or elsewhere, touching the right or title to the services of such apprenticed labourer, then and in every such case, it shall and may be lawful for such apprenticed labourer to appoint one appraiser on his part, and for the person entitled to the services of such apprenticed labourer, or having the immediate direction and controul of such apprenticed labourer, as the case may be, to appoint another appraiser on his behalf, which two appraisers shall determine the price to be paid for the full discharge of such apprenticed labourer from his apprenticeship; but if the appraisers so appointed shall not agree in their determination respecting the price to be paid by or on account of such apprenticed labourer, for his discharge from apprenticeship as aforesaid, the said appraisers shall refer the whole matter in difference to an umpire, to be by them chosen, and the determination of such umpire shall in all respects be final and conclusive upon all parties concerned therein; and in all cases where the person or persons entitled or claiming to be entitled to the services of any such apprenticed labourers, shall be subject to any of the disabilities hereinbefore mentioned, or shall be absent from this island without having a lawful and authorised representative therein, or cannot be found or known, it shall and may be lawful for such apprenticed labourer to pay the money so assessed as the value of his discharge from apprenticeship by the appraisers or umpire, as the case may be, into the hands of the treasurer of this island or his lawful deputy, which money shall remain and be a lien on the public revenues of this island, for the benefit of such person or persons, his or their heirs, executors, administrators or assigns, who may be or may become legally or equitably entitled thereto; and upon the payment of such money by such apprenticed labourer to the treasurer or his lawful deputy as aforesaid, the apprenticeship of such apprenticed labourer shall immediately cease and determine.

2. And be it further enacted, that no apprenticed labourer shall be subject or liable to be removed from this island; and that no prædial apprenticed labourer who may in manner aforesaid become attached to the soil, shall be subject or liable to perform any labour in the service of his or her employer or employers, except upon or in or about the works and premises of the plantations or estates to which such prædial apprenticed labourer shall have been attached, or on which he or she shall have been usually employed on or previously to the said 1st day of August 1834; provided nevertheless, that with the consent, in writing, of any one or more justices of the peace holding special commission, it shall be lawful for the person or persons entitled to the services of any such attached prædial apprenticed labourer or labourers to transfer his or their services to any other estate or plantation within this island to such person or persons belonging, which written consent shall, in no case, be given, or be of any validity, unless any such justice or justices of the peace shall first have ascertained that such transfer would not have the effect of separating any such attached prædial apprenticed labourer from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her, and that such transfer would not probably be injurious to the health or welfare of such attached prædial apprenticed labourer; and that such consent shall be in the form following: "These are to certify that upon the application of A. B. for liberty to remove certain prædial attached labourers, according to the provisions of an Act of this island, entitled 'An Act for the Abolition of Slavery' within this island, we have inquired into the circumstances of the case, and being satisfied that such removal may be made without infringing any of the regulations in the said Act, in this respect contained, we do hereby permit the said A. B., to remove the several prædial apprentices, named (here name them, setting them out in families, where it can be done) from plantation, in the parish of to plantation, in the parish of . Given under hands, this day of 18 ." Which said certificate shall be recorded in the Registrar's Office of this island, and for which service the Registrar shall receive the sum of 2*s*. 6*d*. current gold and silver money, and no more; and such record, or a copy thereof, certified by such Registrar, shall be received and taken as evidence in all courts.

3. And be it further enacted and declared, that the right and interest of any employer or employers to and in the services of any such apprenticed labourers as aforesaid, shall pass and be transferable by bargain and sale, contract, deed, conveyance, will or descent, in the same manner as personal estate passes, or is transferred or descends according to the laws of this island; provided that no such apprenticed labourer shall by virtue of any such bargain and sale, contract, deed, conveyance, will or descent, be subject or liable to be separated from his or her wife or husband, parent or child, or from any person or persons reputed to bear any such relation to him or her.

4. And be it further enacted, that during the continuance of any such apprenticeship as aforesaid, the person or persons for the time being, entitled to the services of every such apprenticed labourer, shall be and is and are hereby required to supply him or her with such food, clothing, lodging, medicine, medical attendance, and such other maintenance and allowances as by an Act entitled, "An Act more effectually to provide for the support and to extend certain regulations for the protection of slaves, to promote and encourage their increase, and generally to meliorate their condition," now in force in this island, an owner is required to supply to and for any slaves being of the same age and sex as any such apprenticed labourer shall be.

5. And whereas it may happen that children who have not attained the age of six years on the said first day of August 1834, or that children who after that day may be born to any female apprenticed labourers, may not be properly supported by their parents, and that no other

other person may be disposed voluntarily to undertake the support of such children; and it is necessary that provision should be made for the maintenance of such children in any such contingency; be it therefore enacted, that if any child who, on the 1st day of August 1834, had not completed his or her sixth year, or if any child to which any female apprenticed labourer may give birth on or after the said 1st day of August 1834, shall be brought before any justice of the peace holding special commission, and if it should be made to appear to the satisfaction of such justice that any such child is unprovided with an adequate maintenance, and that such child hath not completed his or her age of 12 years, it shall be lawful for such justice, and he is hereby required on behalf of any such child, to execute an indenture of apprenticeship, thereby binding such child as an apprenticed labourer to the person or persons entitled to the services of the mother of such child, or who had been last entitled to the services of such mother; but in case it should be made to appear to any such justice that such person or persons aforesaid is or are unable or unfit to enter into such indenture, and properly to perform the condition thereof, then it shall be lawful for such justice, and he is hereby required by such indenture to bind any such child to any other person or persons, to be by him for that purpose approved, and who may be willing and able properly to perform such conditions; and it shall by every such indenture of apprenticeship be declared whether such child shall thenceforward belong to the class of attached prædial apprenticed labourers, or to the class of unattached prædial apprenticed labourers, or to the class of non-prædial apprenticed labourers, and the term of such apprenticeship of any such child shall by such indenture be limited and made to continue in force until such child shall have completed his or her 21st year, and no longer; and every child so apprenticed as aforesaid, by the order of any such justice of the peace as aforesaid, shall, during his or her apprenticeship, be subject to all such and the same rules and regulations respecting the food and other supplies to be to him or to her furnished, as any other such apprenticed labourer as aforesaid; provided always, that the said indenture of apprenticeship shall contain sufficient words of obligation upon the employer to allow reasonable time and opportunity for the education and religious instruction of such child.

6. And be it further enacted, that it shall not be lawful for any person or persons entitled to the services of any such apprenticed labourer, or any other person or persons, other than such justices of the peace, holding such special commissions as aforesaid, to punish such apprenticed labourer for any offence by him or her committed, or alleged to have been committed, by the whipping, beating or imprisonment of his or her person, or by any other personal or other correction or punishment whatever, or by any addition to the hours of labour hereinbefore limited, nor shall any court, judge, or justice of the peace punish any such apprenticed labourer, being a female, for any offence, by her committed, by whipping or beating her person; provided always, that nothing in this Act contained shall extend to exempt any apprenticed labourer from the operation of any law or police regulation for the prevention or punishment of any offence which is or shall hereafter be enforced in this island in respect to all other persons of free condition.

7. And be it enacted, that all offences under this Act shall be tried in a summary manner before any justice, appointed by special commission, and that any apprenticed labourer, convicted of absenting himself or herself from the service of his or her employer without reasonable cause, for half or any smaller portion of the day, shall forfeit to such employer not exceeding a whole day's labour of his or her own time.

8. And be it further enacted, that any apprenticed labourer convicted before any magistrate, having special jurisdiction as aforesaid, of being absent without reasonable cause for more than half a day, shall, in like manner, forfeit not exceeding three days' labour of his or her own time; provided always, that it shall be lawful for the special justice before whom such complaint shall have been heard, and which he shall have adjudged, that the said apprentice shall forfeit three days' labour of his or her own time, and he is hereby authorized and required so to divide the said three days' labour, as shall not impose the obligation on such apprentice of working for more than 15 extra hours in any one week.

9. And be it further enacted, that any apprenticed labourer convicted as aforesaid, of being absent without any reasonable cause, for two successive days, or on two distinct days within the same fortnight, shall be adjudged a deserter, and sentenced to hard labour for a period not exceeding one week, in the house of correction, or the penal gang of the island, or to receive a flogging, not exceeding 20 stripes.

10. And be it further enacted, that any apprenticed labourer convicted as aforesaid of being absent without any reasonable cause for three or more successive days, or for three days during any one fortnight, shall be adjudged a vagabond, and sentenced to hard labour for a period not exceeding 14 days, in the house of correction, or penal gang of this island, or to receive a flogging, not exceeding 30 stripes.

11. And be it further enacted, that any apprenticed labourer convicted as aforesaid of being absent without reasonable cause for one entire week, or any longer time, shall, in addition to such punishment by hard labour as aforesaid, be further sentenced to receive, at the house of correction, in the presence of the superintendent thereof, any number of stripes not exceeding 39.

12. And be it further enacted, that any apprenticed labourer who shall be found wandering as a vagrant beyond the limits of the plantation of his or her employer, without a written permission from such employer, and who shall not be able to give a satisfactory account of himself or herself, shall be liable to be apprehended, and upon conviction before any special justice, shall be adjudged a vagabond, and sentenced accordingly; provided that nothing in this clause contained shall be applied to apprenticed labourers on their way to or from any

any place of Divine worship, or to or from market, or at such market or place; provided that nothing herein contained shall be deemed or construed to abridge, or in anywise interfere with the full and free use and enjoyment by such apprentices of the time allotted to them as their own, under and by virtue of the provisions of this Act.

13. And be it further enacted, that any apprenticed labourer who shall refuse or neglect to perform any labour required under this Act, or who shall by wilful negligence damage the property of his or her employer, or who shall be guilty of drunkenness, shall upon conviction thereof as aforesaid, forfeit to such employer any number of days' labour not exceeding four, out of his or her own time, or be sentenced to receive any number of stripes, not exceeding 20; and for the second offence within one month, shall be sentenced to double that amount of punishment; provided always, that it shall be lawful for the special justice before whom such complaint shall have been heard, on which he shall have adjudged, that the said apprentice shall forfeit three days' labour of his or her own time, and he is hereby authorised and required so to divide the said three days' labour as shall not impose the obligation on such apprentice of working for more than 15 hours in any one week.

14. And be it further enacted, that any apprenticed labourer who shall be convicted as aforesaid of insolence or insubordination to his or her employer, shall be sentenced to hard labour in the house of correction or the penal gang of the island, for any time not exceeding two weeks, or to receive any number of stripes not exceeding 39.

15. And be it further enacted, that any apprenticed labourer who shall by the careless use of fire endanger the property of his or her employer, or of any other person, or shall ill use any cattle or other stock, or who shall wantonly destroy or injure the property of his or her employer, entrusted to his or her charge, shall upon conviction thereof as aforesaid, be sentenced to hard labour in the house of correction or the penal gang of the island, for any time not exceeding three months, or to receive any number of stripes not exceeding 39.

16. And be it further enacted, that in case of any riot or combined resistance to the laws on the part of any three or more apprenticed labourers, the police of the Island shall, on receiving information thereof, immediately repair to the spot and act as they shall be directed by any special justice, for the repression of any such riot or lawless proceedings; and all apprenticed labourers engaged in any such riot shall, on conviction thereof as aforesaid, be sentenced to hard labour as aforesaid, for any term not exceeding six months, or to receive any number of stripes not exceeding 39.

17. And be it further enacted, that any special justice resorting to or present at any such riotous assemblage, shall cause a flag or some other appropriate signal to be exhibited as a warning to all persons there present to separate and quietly disperse; and all apprenticed labourers who after the exhibition of such flag or signal shall not immediately disperse, shall on conviction thereof before any one or more such special justices, be sentenced to hard labour as aforesaid, for any time not exceeding six months, and to receive any number of stripes not exceeding 39; provided that in the event of the unavoidable absence of such special justice nothing herein contained shall be taken to prevent any justice of the peace from quelling any riot or disturbance among such apprentices in the same way and by the same means as by law he is now authorised to use in quelling any riot or preventing any breach of the peace among or by any of His Majesty's free subjects of this island; and be it enacted, that it shall not be lawful for any apprenticed labourer to keep, use or have in his or her possession any gunpowder, gun, swords, pistols or fire-arms of any description whatsoever, or any other offensive weapons, unless with the knowledge and consent of his or her master or manager.

18. And be it enacted, that every apprentice so offending shall, on conviction before any special justice, be punished with whipping, imprisonment, hard labour in the penal gang or house of correction of the island, or of any two or more of those punishments as may be awarded by such special justice; provided that such whipping shall not exceed 39 lashes, and such imprisonment shall not exceed one month.

19. And be it further enacted, that it shall be lawful for any such master, manager or lawful employer to seize and detain to his own use any gunpowder, guns, swords, pistols or fire-arms of any description whatsoever, or any other offensive weapon unlawfully in the possession of any apprenticed labourer.

20. And be it further enacted, that any apprenticed labourer quitting or attempting to quit this island without the permission in writing of his or her employer, shall, on conviction thereof before any special justice, be sentenced to hard labour in the house of correction or the penal gang of the island, for a term not exceeding six months, or to receive any number of stripes not exceeding 39.

21. And be it further enacted, that in all cases wherein any apprenticed labourer shall have been convicted of having absented himself or herself from the service of his or her employer without reasonable cause for more than one day at a time or during 14 days, such time so lost to such employer shall be made up to him or her by such apprenticed labourer out of his or her own time, not exceeding 15 hours in each week; provided that such extra service or compensation shall not be compellable after the expiration of seven years.

22. And be it further enacted, that if any apprenticed labourer shall by wilful neglect or indolence during his or her own time, suffer his or her house or provision-ground to fall into decay and bad order, it shall and may be lawful for the employer of such apprenticed labourer, with the sanction in writing of any special justice, to be obtained upon proof before him of such neglect or indolence, to put the house or provision-ground of such apprenticed labourer into proper order for his or her comfort and support, and to deduct an equivalent quantity of labour from his or her own time, not exceeding 15 hours in one week.

23. And

23. And be it enacted, that on every plantation the special justices shall appoint one or more of the apprenticed labourers thereon, with the consent of the master or manager, to be constables, who shall be empowered to maintain peace and order on such plantation under the directions of the proprietor or manager thereof, and to secure and place in confinement any apprenticed labourer who shall commit any offence on such plantation, or any apprenticed labourer not employed on such plantation who may be found loitering thereon without the knowledge or permission of the proprietor or manager thereof, such apprentice confined as aforesaid not to be kept in custody longer than shall be necessary to procure the attendance of the special justice: provided always, that if the attendance of a special justice cannot be procured within 24 hours, it shall and may be lawful for the proprietor or manager aforesaid, to order the release of such apprentice so confined as aforesaid, after the expiration of 24 hours; provided nevertheless, that in the event of such apprentice being discharged as aforesaid, the proprietor or manager shall and is hereby required to prefer the complaint on which such apprentice was confined, before the special justice when he shall next come upon the estate; and provided that nothing shall be construed to give any such constable any power or authority over any of His Majesty's subjects, except such apprenticed labourers.

24. And be it enacted, that for all offences where punishment by flogging is authorized to be awarded by this Act, it shall be lawful for the special justices in case such offences shall be committed by females, to sentence such females to solitary confinement for any period not exceeding 10 days.

25. And be it enacted, that it shall be lawful for any special justice to substitute solitary confinement in any case where punishment by flogging or hard labour is hereinbefore directed, provided such solitary confinement shall not exceed for any offence at any one time, 10 days.

26. And be it further enacted, that in all cases of solitary confinement, the persons so confined shall be fed on such diet as the special justice shall direct, and no other.

27. And be it enacted, that all other inferior misdemeanors and other crimes committed by apprenticed labourers against each other, or against the person entitled to his or her service, or against any other person and not hereinbefore mentioned, shall be heard and determined before any justice appointed by special commission, reasonable notice of the time and place of such trial being given to the person entitled to the services of the apprentice complained against, where such person so entitled to his or her services is not the complainant; and such justice upon conviction of such apprentice shall order and direct punishment to be inflicted as he may think proper, not exceeding 39 lashes, nor three months' imprisonment to hard labour, nor 20 days' solitary confinement; provided that nothing in this clause contained shall be taken to authorize such magistrate to sentence any female apprentice to be flogged or beaten; and provided also, that nothing herein contained shall be deemed or taken to deprive any of His Majesty's subjects of his or her right to proceed against any such apprentice in any of the courts of this island, for remedy against any apprentice for any wrong or injury done or committed to or against the person or property of such subject; and provided also, that when any apprenticed labourer shall be convicted of indolence, or neglect, or improper performance of work, the special justice before whom such conviction shall take place may, if he sees fit, sentence the offender, either alone or in addition to the punishment by flogging or hard labour hereinbefore directed, to labour for such number of hours or days in his or her own time for the benefit of the persons entitled to his or her services, as the justice of the case may seem to require, not exceeding 15 hours in any one week.

28. And be it further enacted, that in cases in which the food of any such prædial apprenticed labourer is supplied, not by the delivery to him or her of provision, but by the cultivation of such prædial apprenticed labourer of grounds set apart for the growth of provisions, the persons entitled to their services shall and are hereby required during the term of such apprenticeship and no longer, to provide such prædial apprenticed labourer with ground adequate both in quality and quantity for his or her support, and within a reasonable distance from his or her usual place of abode, under a penalty not exceeding 5 *l.* for each offence.

29. And whereas it is necessary that proper regulations should be made and established as to the extent of such provision-grounds hereinbefore mentioned, and as to the distance at which such grounds may be so allotted from the ordinary place of abode of such prædial apprenticed labourer; be it enacted, that for the purposes of this Act all grounds hitherto allotted to every slave during such his or her state of slavery, for his or her maintenance and support, shall during the term of his or her apprenticeship in quantity, quality and locality be deemed adequate and proper for the maintenance and support of every prædial apprenticed labourer, unless good and sufficient cause be shown to the contrary; provided and be it enacted, that such prædial or non-prædial apprenticed labourer shall satisfy, in case of complaint, such special justice that he has kept his grounds in a due and proper state of cultivation.

30. And whereas one day in every fortnight has heretofore been allowed to the slaves for the cultivation of their provision grounds, so as to make the number of days 26 in the year, for the purpose aforesaid, exclusive of Sundays and holidays; and whereas a provision made in the hereinbefore recited Act for the abolition of slavery within this island confines the hours of labour which the master is entitled to from such prædial apprenticed labourer to 45 hours, or five days of nine hours each in any one week; and whereas a further allowance for the cultivation of their ground, and the raising and securing the crops grown thereon, is allotted to them by the Act of the said island hereinbefore recited, be it enacted, that from

No. 4. Colonial Abolition Acts.

MONTSERRAT.

and after the 1st day of August next, every prædial apprenticed labourer shall be entitled to 4½ hours out of the 45 weekly working hours hereinbefore mentioned, for the cultivation of his or her grounds, and such portion of time shall be allowed to each apprentice, either on any day or days in one week, or by any number of days consecutively, at such period of the year as may be deemed by the possessor or manager of such property least detrimental and injurious to the cultivation of the plantation on which he or she shall reside, and the gathering in of the crops, and the manufacture of the produce thereof; and any person entitled to the service of any such prædial apprenticed labourer who shall refuse to allow such portion of time to any such labourer, shall be subject and liable to a penalty of 40 *s.* for each offence, to be recovered as hereinafter provided; provided always, that such number of days so allowed to the apprenticed labourer shall exceed three consecutive days at one time; provided that it shall and may be lawful for the employer and apprentice to enter into an agreement in writing, of which a copy shall be given to the apprentice, to pay to the said apprentice such sum as may be agreed on between them in lieu of time; and provided also, that in the event of nonpayment of the sum agreed on at such time as shall be stipulated in the said agreement, it shall and may be lawful for the special justice, on the application of the apprentice, of which the employer shall have due notice, to issue a warrant against the goods of such employer for the amount of the money due at the time of such application, which warrant any constable within this island or district may and is hereby required to execute and make sale of the goods so taken under the warrant, unless the amount for which the same is issued shall be paid within three days, and the money to be received or levied under such warrant shall, immediately after the receipt thereof by such constable, be paid over to the said apprentice.

31. And whereas in certain parts of this island there may not be lands proper for the cultivation of provisions, or by reason of long continuance of dry weather or other casualty, the grounds hitherto appropriated for negro grounds may be rendered unproductive; be it enacted, that in such case the master, owner or other person entitled to the service of such apprenticed labourer shall by some other ways and means make good and ample provision for all such apprenticed labourers to whose services they shall be entitled, in order that they may be properly supported and maintained, under penalty not exceeding 40 *s.* for each offence: provided always, that in such case no diminution of the 45 hours as hereinbefore mentioned shall take place.

32. And be it further enacted, that all complaints made by an apprenticed labourer against the person entitled to his or her services touching any fraud practised or refusal to furnish any such apprenticed labourer with sufficiency of provision ground, or of other means of maintenance and support, in cases where such apprentice hath no provision-ground, or of illegally and improperly withholding from such apprentice any portion of the time allowed him or her to cultivate such ground, or of imposing task-work on any apprenticed labourer contrary to the provisions of this Act, or of breach of any contract on the part of any person engaged in the voluntary services of any apprenticed labourer, or any cruelty, injustice or other wrong or injury done to or inflicted upon any apprenticed labourer by the person entitled to his or her services, shall be heard, adjudged and determined before any one or more special justice or justices, and he or they is or are hereby empowered to punish any offender in any of these respects last mentioned, with a fine not exceeding 5*l.*, and for default of goods and chattels whereon to levy, the offender shall be committed to gaol until he or she shall pay or satisfy the same, but such imprisonment shall not exceed five days; provided that nothing herein mentioned shall be deemed or taken to bar or destroy the right of any apprenticed labourer to proceed in the courts of law of the said island, for any wrong or injury done to or committed against his or her property or person, by any person whomsoever.

33. And be it further enacted, by the authority aforesaid, that in cases where it shall be necessary for the cultivation of any plantation, sugar-work or other settlement, or for gathering in or manufacturing the crops and produce thereof, to impose task-work on the prædial apprenticed labourers thereof or working thereupon, it shall be lawful for any special justice to sanction such task-work: provided such apprenticed labourers, or a majority of the adults among them, shall be willing and desirous collectively to undertake the same.

34. And be it enacted, that it shall and may be lawful for any employer and apprenticed labourer mutually to contract together for work to be done either by the day or by the task, for such wages or consideration as they may agree upon; provided always, that such contracts or engagements shall be sanctioned by a special justice, and that no such agreement shall be for a longer period than one year, and that no task-work shall be imposed upon any body of apprenticed labourers, except by consent of the majority thereof.

35. And be it further enacted, by the authority aforesaid, that all indentures of apprenticeship of children required by this Act, shall be as nearly as the nature of the case will admit, in conformity with, and upon the same terms and conditions as indentures of apprenship of children made by the parochial or municipal authorities in any town in England, and shall be recorded in the secretary's office in this island.

36. And be it further enacted, that any apprenticed labourer who shall during his or her apprenticeship wilfully absent himself or herself from the service of his or her employer for a period exceeding three months at any one time, may be sentenced by a special justice, either to serve his or her employer after the expiration of his or her apprenticeship, for so long a time as he or she shall have absented himself or herself from such service, or to make satisfaction to his or her employer for the loss sustained by such absence, except so far as he or she shall have made satisfaction for such absence either out of such extra hours as aforesaid

or

or otherwise; provided that such extra service or compensation shall not be compellable after the expiration of seven years next after the termination of the apprenticeship of such apprentice.

37. And be it further enacted, that no apprenticed labourer shall be compelled or compellable to labour on Sundays, except in works of necessity or in tending of cattle, nor shall any apprenticed labourer, except as aforesaid, be liable to be hindered or prevented from attending anywhere on Sundays for religious worship at his or her free will or pleasure, but shall be at full liberty so to do without any let, denial or interruption whatever.

38. And be it further enacted, that from and after the 1st day of August 1834, no person whosoever shall on Sunday expose to sale in any market or other place, or in any shop or other place, any goods, wares, or merchandize, or provisions, under a penalty not exceeding 5 *l.* for every offence, provided that in case the goods or provisions so exposed for sale shall not exceed in value the sum of 5 *l.*, the same may in lieu of such penalty be forfeited by order of any justice of the peace, for the benefit of the poor of the parish in which such offence is committed: and provided also that nothing herein shall extend to prevent the keeping open of any druggist shop, tavern, or lodging-house, or the sale of fresh meat, fresh fish, or milk on Sunday, such sale however not to take place during the celebration of divine service; and that from and after the 1st day of August 1834, Saturday in each week shall be the day given to every prædial labourer; provided that prædial labourers employed in works of necessity, tending cattle, domestic services, and protecting property, shall have some other day in lieu of Saturday.

39. And be it enacted, that in all cases of urgent necessity, it shall be lawful for the owner or other persons in management of such property, where such necessity shall occur, to require and compel the immediate and continued services of any or all the apprenticed labourers during such emergency.

40. And be it enacted, that no such apprenticed labourer shall, during the continuance of such apprenticeship, be liable to be arrested or imprisoned for debt, or be liable to be called on, or be competent to serve in the militia of this island, or to serve as a juror.

41. And be it enacted, that all such apprenticed labourers shall, during the term of such their apprenticeship, be and they are hereby disqualified from being elected members of Assembly or Coroners, or of voting at any election for any of the offices aforesaid, or being appointed justices of the peace.

42. And be it further enacted, that if any slave or slaves shall be guilty of any offence now triable under any Act of this island for the trial of slaves, and not brought to trial before the 1st day of August 1834, it shall and may be lawful to bring such slave or slaves to trial, under and by virtue of the power and provisions of the said Act, and to award such punishment as the law provides.

43. And be it enacted, that all fines and penalties imposed by this Act shall be recovered before any special justice of the peace by warrant of distress and sale of the offender's goods and chattels, to be applied for the use of the public of this island.

44. And be it enacted, that a certain statute made in the 52d year of his late Majesty King George the Third, intituled "An Act to repeal certain Acts and amend other Acts relating to Religious Worship and Assemblies, and Persons teaching or preaching therein," shall be and is hereby declared to be in force in this island: provided nevertheless, that any two or more justices of the peace holding special commission under the 3 & 4 Will. 4, c. 73, shall have, exercise and enjoy all and every the jurisdiction, powers and authorities whatsoever, which by force and virtue of the said Act are within the realm of England had exercised and enjoyed by the several justices of the peace, and by the general and quarter sessions therein mentioned.

45. And be it further enacted, that if any apprenticed labourer shall, without lawful authority, enter upon and take possession of any land belonging to any other person, it shall and may be lawful for any magistrate having special jurisdiction therein, to dispossess and eject such apprenticed labourer from such land, and to cause the same, with all crops growing thereupon, and all buildings thereon erected, to be delivered up to the owner of such land; and may further adjudge such apprenticed labourer to suffer imprisonment for any time not exceeding three calendar months, if it shall appear to the satisfaction of such magistrate that such apprenticed labourer had wrongfully and fraudulently taken such possession.

Dated at Montserrat, the 14th day of August 1834, and in the year of our reign the fifth.

Passed the Council this 29th day of May 1834.

(signed) *Henry William Dyett,*
Deputy Clerk of the Council.

Passed the Assembly this 29th day of May 1834.

Henry Dyett, Clerk of Assembly.

(signed) *W. D. Furlonge,* Speaker.

(signed) *Henry Hamilton.*

MONTSERRAT.—(No. 2.)

No. 2. Colonial Abolition Acts.

MONTSERRAT.

AN ACT for the Classification of Apprenticed Labourers.

WHEREAS by an Act of this island, intituled "An Act for the Abolition of Slavery," it is enacted, that slavery should be utterly abolished and declared unlawful in the said island on the 1st day of August, in the present year of our Lord 1834; and that in conformity with the laws now in force in the said island, that all slaves who shall on or before the said 1st day of August 1834, have been duly registered as slaves in the said island, and who on the said 1st day of August 1834 shall appear by such registries of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers, provided, for the purposes of the said Act, any slave engaged in his ordinary occupation on the seas shall be deemed and taken to be within the said colony: and whereas by the fourth clause of the said Act, intituled "An Act for the Abolition of Slavery," it is enacted, that all apprenticed labourers shall be divided into three classes, viz. prædial attached, prædial unattached, and non-prædial, and that such division of the said apprenticed labourers shall be carried into effect in the same manner and form, and subject to such rules and regulations as should for that purpose be established under such authority and by such Acts of the Legislature as thereinafter mentioned; and that no person above the age of 12 years should be included in the class of prædial apprenticed labourers, unless for 12 months before the passing and publication of the now reciting Act had been habitually employed a prædial labourer: and whereas for the purpose of carrying into effect the said fourth clause of the said Act, intituled "An Act for the Abolition of Slavery," we, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, St. Kitts, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this your Majesty's island of Montserrat, do pray your most Excellent Majesty that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, that the registrar of slaves shall within 14 days after the passing and publication of this Act, deliver to every owner of slaves, or to the attorney or agent of such owner, or to any other person or persons appearing on the registry to be in the possession of any slave in any capacity whatsoever, a list of such slaves, for which the registrar shall receive the sum of 3 *d.* cash for the name of each slave named in such registry, and 9 *s.* for certificate.

And be it enacted, that every such person as aforesaid shall, within 14 days, return such list so given to him as aforesaid to the registrar, distinguishing, in reference to each slave therein mentioned, to which of the said classes he or she belongs, and to every such return shall be annexed an affidavit to the effect that the distinction therein made corresponds with the occupation usually pursued for 12 months next preceding the date of the said Act, intituled "An Act for the Abolition of Slavery," by each of the slaves to whom such returns may refer, under the penalty of 10 *l.* gold and silver money, to be recovered by warrant under the hand and seal of any justice of the peace for the said island, to be applied to the uses of the said island; and in case the said registrar shall not be satisfied that the return so made as aforesaid is correct, the said registrar shall issue a summons to any person or persons with whose return he is dissatisfied to attend him the said registrar at a time and place to be mentioned in such summons, and if he thinks proper, direct that the person or persons to whom such summons is directed, to bring with him any slave or slaves respecting whom any doubts shall or may arise; and the registrar shall at the time and place mentioned in the said summons proceed to examine the person or persons making such return or returns, and any witness or witnesses that may be produced to hear the truth of such return, and shall either confirm or correct the said return, and give notice of such correction or confirmation to the person or persons making the said return and to the slaves respectively, of his judgment and decision; and if either the party making such return or the slave or slaves to whom it may refer shall be dissatisfied with the decision and judgment of the said registrar, such party may on his own behalf, and the registrar may on the behalf of such slave, apply to the chief or to any other judge of the superior court in the said island, by petition, setting forth the nature of such decision and the objections thereto; and the judge to whom any such petition may be preferred shall proceed in a summary way to hear and determine upon the same, and his decision shall be final and conclusive.

And be it enacted, that when such proceedings as aforesaid shall have taken place, there shall be affixed to the entry of the name of each prædial attached slave in the registry the letters P. A.; of each prædial unattached slave the letters P. U.; and of each non-prædial slave the letters N. P.; and during the continuance of the apprenticeship the slave registry so corrected as aforesaid, shall be deposited amongst the records of the superior court of the said island, and when any question shall arise respecting the class to which any apprenticed labourer belongs, such corrected registry, or a certified extract thereof, shall be taken as conclusive evidence of the fact; and any person neglecting or omitting to make the return or the affidavit beforementioned, or to attend the registrar when summoned by him for that purpose,

purpose, shall incur a penalty of not more than 10 *l.* nor less than 20 *s.*; and in the event of the wilful absence of any such person, it shall be lawful for the registrar to proceed and to decide any such question, as though such party had attended.

Dated at Montserrat the 13th day of October 1834, and in the fifth year of His Majesty's reign.

W. D. Furlonge, Speaker.

Passed the Council, this 26th day of April 1834.

Henry W. Dyett,
Deputy Clerk of Council.

Passed the Assembly, the fifth day of April 1834.

Henry Dyett, Clerk of Assembly.

Published the 15th day of October 1834.

(signed) *Dudley Semper*, D. P. M.
(signed) *Henry Hamilton.*

MONTSERRAT.—(No. 3.)

AN ACT for giving to the Special Magistrates Jurisdiction over Apprenticed Labourers, and directing their Mode of Proceeding in the Exercise of such Jurisdiction.

WHEREAS, by an Act of this island, intituled "An Act for the Abolition of Slavery in this Island," it is amongst other things enacted, that from and after the 1st day of August 1834, that all persons who in conformity with the laws in force in the said island, should on or before the said 1st day of August 1834, have been duly registered as slaves in the said island, and who on the said 1st day of August 1834, should be actually within the said island, and who should by such registries appear to be on the said 1st day of August 1834, of the full age of six years or upwards, should by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose become and be apprenticed labourers, with a proviso, that for the purposes aforesaid, every slave engaged in his ordinary occupation upon the seas, should be deemed and taken to be within the said island: and it was further enacted, in and by the said Act, that subject to the obligations imposed by the said Act, or to be imposed by any act of legislature upon such apprenticed labourers, all and every the persons who on the said 1st day of August 1834, should be holden in slavery within the said island, should upon and from and after the said 1st day of August 1834, become and be to all intents and purposes free and discharged of and from all manner of slavery, and should be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children should in like manner be free from their birth; and that from and after the said 1st day of August 1834, slavery should be and was thereby utterly and for ever abolished in the said island: and whereas by an Act of the 3 & 4 Will. 4, c. 73, intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves," special justices are to be appointed in the manner directed in and by the now reciting Act, for the special purpose of giving effect to the now reciting Act, and to any laws that may thereafter be made for giving more effect to the said Act: and whereas, by an Act of this island, intituled "An Act for Establishing a Police in the said Island," the said police thereby established is placed under the superintendence of the said special justices appointed or to be appointed by the said Act of the 3 & 4 Will. 4, c. 73: and whereas by the said Act of this island, it is enacted, that provision should be made for insuring promptitude and dispatch, and for preventing all unnecessary expense in the discharge of the justices of the peace holding such special commissions as aforesaid, of the jurisdiction and authority committed to them by the said Acts, and for enabling such justices to decide in a summary way such questions as might be brought before them in that capacity, and for the division of the said island into one or more districts for the purposes of such jurisdiction, and for the frequent and punctual visitation of such justices of the peace of the apprenticed labourers within such their respective districts, and that regulations should be made for indemnifying and protecting such justice of the peace in the upright execution and discharge of their said duties; we therefore your Majesty's dutiful and loyal subjects the Governor and Commander-in-chief in and over your Majesty's islands of Antigua, Montserrat, Barbuda, Nevis, Saint Christopher, Anguilla, The Virgin Islands and Dominica, and the council and assembly of this your Majesty's island of Montserrat, do pray your most excellent Majesty, that it may be enacted, and be it and it is hereby enacted and ordained by the authority aforesaid, that for making provision and for ensuring promptitude and dispatch, and for preventing all unnecessary expense in the discharge by the justices of the peace holding such special commission as aforesaid of the jurisdiction and authority committed to the said justices, and for enabling the said justices to decide in a summary way such questions as shall be brought before them; and for the division of the said island into one or more district or districts for the purposes of such jurisdiction, and for the frequent and punctual visitation of such justices of the peace of the apprenticed labourers within their respective districts, and for indemnifying such justices of the peace in the upright discharge and execution of their office; that it may be enacted and ordained, and be it enacted and ordained, that every special magistrate shall reside within the district

to which he is appointed, unless when prevented by sickness or other reasonable cause, to be allowed by the governor; and every such magistrate shall one day in each week, or oftener if need be, at the place of his residence, hold a session for the hearing and deciding upon such cases as may be brought before him; and shall once in each month, or oftener if need be, repair to such plantation within his district, upon which 10 or any greater number of apprenticed labourers shall be employed, there to take cognizance of such cases as may be brought before him.

And be it enacted, that every such special justice shall keep a journal of all the cases brought before him, in which he shall enter, first, the date of the complaint; secondly, the name of the complainant; third, the substance of the complaint; fourth, the names of the witnesses adduced on either side; fifth, the substance of the evidence; sixth, his decision on the case; seventh, whether the decision has been carried into effect; eighth, any general remarks which he may think desirable: and all such journals shall be kept in one uniform manner, to be prescribed for that purpose by the governor; and the said special justice, at the end of each quarter, shall transmit to the governor a duplicate of his journal for the preceding quarter, with an affidavit thereto annexed, to the effect that it has been faithfully kept, and that with the exception of unintentional errors, it contains a true account of all the proceedings in which the deponent has been engaged as such special justice during the quarter to which it refers.

And be it enacted, that it shall be the duty of the special justice, on receiving any complaint, to reduce it to writing, and to cause it to be read by, or to read it over to, the complainant, by whom it shall then be subscribed; and if the complaint shall appear to the justice immaterial, and not to deserve further inquiry, he may, at once, dismiss the complaint; but if he shall think inquiry necessary, he shall call upon the complainant to make oath that the complaint is true; and upon taking any complaint, to the truth of which such oath shall have been so made, the special justice shall either issue his warrant for the arrest of the party charged, or shall issue a summons for his attendance, as the case may require. The warrant of arrest shall be in the form annexed, marked A. and the summons in the form annexed, marked B.

And be it enacted, that in all cases which impute to the party charged, a capital or transportable offence, the special justice shall issue his warrant to apprehend and bring the party charged before him, to answer the said charge; also, in all cases where there is reason to apprehend danger to the peace from delay. In all other cases the justice is to proceed in the first instance by summons.

And be it enacted, that in cases in which it may be necessary to adduce witnesses in support of, or in answer to any such complaint, the justice shall issue a summons to every such witness, in the annexed form marked (C). And the justice shall, in the presence of all parties, first, read over the written complaint, and then take down, in writing, the answer of the party charged, and then proceed to examine on oath, the party complaining and the witnesses, taking down, in writing, the deposition of each witness, which shall be read over to, and signed by, him. And the justice may, from time to time, adjourn any such proceeding for further inquiry, and, if necessary, commit the party charged to custody pending such adjournment, or take bail for his appearance. Every such commitment or bail shall be in the annexed forms, marked (D) and (E). And at the close of such proceedings, the justice shall pronounce his decision thereupon, which decision he shall reduce into writing, and subscribe with his hand; and the justice shall, as law and reason may seem to him to require, either dismiss the complaint, or sanction any compromise between the parties which he may think just, or convict the party charged, or commit him to prison to take his trial for the imputed offence. And if the complaint shall be dismissed, the justice shall, in such his written decision, state whether it was so dismissed as being unproved, or as being frivolous and vexatious, or as being malicious; and if any such complaint shall be so dismissed as frivolous and vexatious, the justice may adjudge the complainant, if a labourer, to work in the service of his employer, for any time, not exceeding in the whole 15 extra hours in any one week, or if the complainant be the employer, to the payment of a penalty, for the use of the labourer, of not less than 20 *s.*, and not greater than 5 *l.*; and if such complaint shall be so dismissed as malicious, it shall be competent to the justice, at the instance of the party charged, to adjudge the complainant, if an apprenticed labourer, to imprisonment with hard labour, for any time not exceeding one month, or, if the employer of any such labourer, to a fine not exceeding 40 *s.*, for the benefit of the party charged, which judgment shall be a bar to any suit, action, or prosecution against such complainant for calumny, defamation, or otherwise, in respect of such his complaint.

And be it enacted, that if the justice shall by his decision convict the party charged, or shall convict the complainant of preferring a frivolous and vexatious or a malicious complaint, such conviction shall be severally drawn up according to the forms annexed, marked (F), (G), (H), or if such magistrate shall commit the party charged to take his trial for the imputed offence, such commitment shall be drawn up in the form annexed, marked (I), and upon any such conviction as aforesaid, by such special justice, he shall forthwith issue a warrant for the execution thereof, which warrant shall be in the form annexed, marked (K).

And be it enacted, that all summonses, warrants, commitments and other orders so to be issued by any such justice as aforesaid, shall be executed by the police officers of his district, such justice being nevertheless authorised, as occasion may require, to address the same to any other person or persons jointly with, or instead of such officers of police as to him may seem requisite; and any summons, warrant or order issued by any such special justice within his own district, may, without any further authority, be carried into execution in any part of the colony, though beyond such district; and if any person summoned by any such

justice

justice as a witness, shall not appear in obedience to such summons, or appearing shall refuse to be sworn or examined, or to answer any question proposed to him by such justice in relation to the matters depending before him, it shall be lawful for such justice to issue his warrant for the arrest of any such defaulter, and to commit him to close custody, there to remain until he shall submit to be so sworn and examined, and to make such answers as aforesaid, and every such warrant of arrest or commitment shall be in the form annexed, marked (L) and (M).

And be it enacted, that if any suit or action shall be commenced against any special justice in respect of any Act, matter or thing by him done by virtue and in pursuance thereof; and if the court shall give judgment for the defendant, the plaintiff shall by such judgment be condemned to pay treble costs of suit; and if in any such suit or action, such justice shall at any time before final judgment tender to the plaintiff sufficient amends for the wrong or injury, in respect of which the same may be brought, and submit to pay the costs of suit up to that time incurred, and if the plaintiff shall refuse to accept such amends and costs of suit, then, upon proof made to the court at the trial of such suit, that such amends have been so tendered and were sufficient, judgment shall be given for the plaintiff in the amount of the sum so tendered, subject nevertheless to the reduction therefrom of the costs of suit of the defendant.

And be it enacted, that no suit or action shall be brought against any such justice, in respect of any matter or thing by him done under or in pursuance hereof, unless the same shall be commenced within six months after the cause of action occurred.

Passed the Council, this 26th day of April 1834.

(signed) *Henry W. Dyett*, Deputy Clerk of Council, &c.
Edmond Semper, Speaker P. T.

Passed the Assembly, this 12th day of March 1834.

(signed) *Henry Dyett*, Clerk of Assembly.

Published this 13th day of October 1834,

(signed) *Dudley Semper*, D.P.M.
Henry Hamilton.

FORMS to which the foregoing Bill refers.

(A.)

Montserrat.

To

(Montserrat ss.)—FORASMUCH as *A. B.*, of in the said island, hath this day made information and complaint before me *C. D.*, that *E. F.*, of in the said island, (*here state or describe the complaint*). These are therefore to command you forthwith to apprehend and bring before me the body of the said *E. F.* to answer unto the said complaint, and to be further dealt with according to law. Given under my hand and seal, this day of 183 .

(B.)

Montserrat.

To

(Montserrat ss.)—YOU are hereby required on sight hereof, to summon *A. B.*, of personally to be and appear before me at in the said island, on the day of next, at o'clock in the forenoon, then and there to answer to the complaint and information of *C. D.*, (*here state the complaint,*) and you the said are then and there to appear and make your return of your due execution hereof. Herein fail not at your peril. Given under my hand and seal this day of

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(C.)

Montserrat.

To

(Montserrat ss.)—WHEREAS oath hath been made before me by *C. D.*, of , that the said *C. D.* was lately (*here insert the charge,*) at in the said island, and that he hath good cause to believe that *E. F.*, of in the said island is a material witness to prove the said complaint. These are therefore to require you to summon the said *E. F.* to appear before me at , on the day of , and at of the clock in the forenoon, to testify and give evidence as he knoweth concerning the said offence, that such further proceedings may be had therein as to the law doth appertain. Given under my hand and seal, at , in the said island, this day of 18 .

No. 4. Colonial Abolition Acts.

MONTSERRAT.

(D.)

Montserrat.

To the Provost Marshal of the said Island or his lawful Deputy.

RECEIVE into your custody the body of *G. H.* herewith sent you, brought before me, by of , being charged on the oath of in the said island, with (*here insert the complaint,*) and him safely keep in your custody for further examination, and until he shall be discharged by due course of law.

Given under my hand and seal, the day of 18

(E.)

Montserrat.

BE it remembered, that on the day of in the year of the reign of our sovereign Lord by the Grace of God of the United Kingdom of Great Britain and Ireland, King, defender of the faith, before me , came *A. B.*, of the parish of , in the said island, and acknowledged to owe to our said sovereign Lord the King, the sum of pounds, and *C. D.*, of and *E. F.* of , became bound in the sum of pounds each, that the said *A. B.* (*here insert the condition of the recognizance.*)

(F.)

Montserrat.

A. B. is convicted before me , of having (*here state the offence.*) And I do order and adjudge [*here insert the sentence.*] Given under my hand and seal, this day of 18 .

(G.)

Montserrat.

A. B. is convicted before me of having preferred a frivolous and vexatious complaint against *C. D.* I do therefore adjudge the said *A. B.* (if an apprenticed labourer,) to work in the service of his employer for hours, (and if the complainant is the employer,) that the said *A. B.* has forfeited the sum of gold and silver money to the use of *C. D.* according to the statute in such case made and provided. In witness whereof, I do hereby affix my hand and seal this day of 18 .

(H.)

Montserrat.

A. B. is convicted before me, , of having preferred a malicious and unfounded complaint against *C. D.* I do therefore adjudge the said (if an apprenticed labourer) to imprisonment with hard labour for (if the complainant is the employer,) that the said *A. B.* hath forfeited the sum of gold and silver money for the benefit of the said *C. D.*, according to the statute in such case made and provided. Given under my hand and seal, the day of 18 .

(I.)

Montserrat.

To the Provost Marshal of the said Island, or his lawful Deputy.

I send you herewith *A. B.*, late of , brought before me this present day, and charged upon the oath of *C. D.*, that [*here state the offence*]. These are therefore to command you that immediately you receive the said *A. B.*, and him or her safely keep in the common goal of the said island, until he or she (as the case may be,) be thence delivered by due course of law. Given under my hand and seal, the day of 183 .

(K.)

Montserrat.

To

WHEREAS *A. S.*, labourer, hath complained to me , that [*here state the complaint*]. And I the said , upon due consideration had thereof, did on the day of now last past, by writing under my hand and seal, order and direct that he the said should pay to him the said *A. S.*, the sum of gold and silver money. And whereas the said has not as yet paid the said sum of or any part thereof, although demanded. These are therefore to command you, to make distress of the goods and chattels of the said , and if within the space of four days next after such distress by you

you made, the said sum of , together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising from the sale thereof, that you pay the said sum of unto him the said *A. S.*, returning the overplus, if any, to the said , the reasonable charges of taking, keeping and selling the said distress being thereout first deducted. Given under my hand and seal, the day of 18 .

(L. & M.)

Montserrat.

To the Provost Marshal of the said Island, or his lawful Deputy.

Whereas, *A. B.* hath been duly summoned as a witness, to appear and give evidence before me , on this day, the day of , at being the time and place appointed for hearing and determining the complaint made before me against , of having [*here state the offence,*] contrary to the statute in such case made and provided. And whereas the said *A. B.* hath not appeared before me at the time and place aforesaid specified for that purpose, or offered any reasonable excuse for his default. (Or whereas he the said *A. B.* having appeared before me, hath not submitted to be examined as a witness, and to give his evidence before me, touching the matter of the said complaint, but hath refused so to do.) Therefore I, the said justice, do in pursuance of the said statute, commit the said *A. B.* to the common gaol, there to remain without bail or mainprize for his contempt aforesaid, until he shall submit himself to be examined and give his evidence before me touching the matter of the said complaint, or shall otherwise be discharged by due course of law. Given under my hand and seal, the day of 18 .

MONTSERRAT, (No. 4.)

AN ACT for establishing a Police in the said Island.

Whereas by an Act of this island, intitled "An Act for the Abolition of Slavery," it is enacted that slavery shall be utterly abolished and declared unlawful in the said island, on the 1st day of August, in the year of our Lord 1834; and that in conformity with the laws now in force in the said island, that all slaves who shall, on or before the said 1st day of August 1834, have been duly registered as slaves in the said island, and who, on the said 1st day of August 1834, shall appear by such registries of the full age of six years or upwards, shall by force and virtue of the said Act, and without the previous execution of any indenture of apprenticeship or other deed or instrument for that purpose, become and be apprenticed labourers, provided for the purposes of the said Act, any slave engaged in his ordinary occupation on the seas, shall be deemed and taken to be within the said colony.

And whereas, by an Act of the 3 & 4 William IV. ch. 73, entitled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves," it is, amongst other things, enacted, that for the ensuring the effectual superintendence of the said apprentices, that it should be lawful for His Majesty to issue, or to authorise the governor of any colony, in the name and on the behalf of His said Majesty, to issue, under the public seal of such colony, one or more special commission or commissions to any one or more person or persons constituting him or them a justice or justices of the peace, for the whole of any colony, or for any parish, precinct, quarter, or other district within the same, for the special purpose of giving effect to the now reciting Act, and to any laws which may in manner thereinafter mentioned be made for giving more effect to the same.

And whereas it is necessary for the peace and quiet of the island, that a police should be established in the said island, to be under the superintendence of the said special justice or justices; we, therefore, your Majesty's dutiful and loyal subjects, the Governor and Commander-in-Chief in and over your Majesty's Islands of Antigua, Montserrat, Barbuda, St. Kitts, Nevis, Anguilla, the Virgin Islands and Dominica, and the Council and Assembly of this Your Majesty's Island of Montserrat, do pray Your most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted and ordained by the authority aforesaid, that for the purpose of this Act, this island shall be divided into two districts.

And be it and it is hereby enacted, that it shall and may be lawful for the Governor-in-Chief, or person administering the government of the said island, to issue his Proclamation, defining the limits of such districts, and shall and may alter the limits of such districts in such manner as he may think necessary, or occasion require, in each of such districts, to be under the controul and superintendence of a special magistrate appointed, or to be appointed by virtue of the said recited Act of 3d & 4th Will. IV., which said special magistrate shall reside in the said district, or as near thereto as possible.

And be it enacted by the authority aforesaid, that in each district, a tract of land, containing 20 acres, shall be set apart and appropriated to the use of the police, upon which said tract of land shall be erected and built, as soon as conveniently can be, proper buildings and habitations for the use of the said police, together with a house of correction, which said tract of land, with the buildings thereon erected, or to be erected, shall be called the Police Settlement of the District, and the said police shall be established in the vicinity of as large a body as may be of the population of the district.

No. 4. Colonial Abolition Acts.

MONTSERRAT.

And be it enacted by the authority aforesaid, that each police settlement shall consist of ten able bodied privates and one sergeant of police, between the ages of 20 to 50 years, to be appointed by the person in chief command in the said island, and removable by him for any misconduct or inefficiency. And the privates of such police settlement shall each receive at and after the rate of 4*s.* 6*d.* cash, per day; and the serjeant, at and after the rate of 6*s.* per day, payable quarterly, and shall each be furnished, once a year, with a suitable uniform, consisting of a blue cloth jacket, turned up with yellow, with a badge fastened to it, with the word "Police" and their respective numbers marked upon it; and their arms shall be a pair of pistols, sword, and a staff with the word "Police" marked upon it. And such police shall carry into execution such orders as they may from time to time receive from the said special magistrate for the prevention or repressing of crimes, and for enforcing obedience to the laws.

And be it enacted and ordained by the authority aforesaid, that there shall be established at each police settlement a penal gang, to consist of such persons as shall be condemned for any offence, to imprisonment and hard labour; and such penal gang shall, as often as the said special magistrate shall so direct, under the superintendence of the serjeant, or, in his absence, under the direction of any other member of the police, be employed in any laborious work, either upon the high roads, or upon the provision-grounds of the police settlement, for the support of the prisoners at such establishment, and towards the general maintenance of the establishment.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that at the first establishment of the said police settlement, the members thereof, assisted by such hired labourers as may be indispensable, shall be employed in erecting such temporary buildings for their occupation as may be necessary, until more permanent buildings can be erected; and that the said police, when not actually engaged in the discharge of their duty as police men, and the said penal gang, under their direction, shall be employed in the erecting or repairing of such buildings at each police settlement.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall and may be lawful for the special magistrate of any district, as often as he may deem it necessary, to suspend any member of the police, and shall forthwith report the same to the Governor, or person in chief command in the said island, together with the cause or causes of such suspension, who shall confirm or disallow such suspension, as shall seem to him most proper.

And be it enacted by the authority aforesaid, that the special justice of each district shall, once in each quarter, make a report to the Governor, or person in chief command in the said island, of the state and condition and effective strength of the police establishment under his superintendence, and of the state of the buildings and provision-grounds on such police settlement, and of the state and conduct of prisoners confined therein; and the said Governor, or person in chief command, as aforesaid, shall from time to time establish all necessary rules for the internal discipline of the said police settlement, for a due separation of prisoners of different sexes, for the classification of prisoners for their religious instruction, for the maintenance of cleanliness, order, and sobriety among them, and for the prevention and prompt punishment of any violation or neglect of such rules.

Dated at Montserrat, the 13th day of October 1834.

W. D. Furlonge, Speaker.

Passed the Assembly the 5th day of April 1834.

Henry Dyett, Clerk of the Assembly.

Passed the Council this 26th day of April 1834.

Henry W. Dyett, Deputy Clerk of Council, &c.

(signed) *Henry Hamilton.*

MONTSERRAT.—(No. 5.)

AN ACT to repeal the Proviso contained in the Fourth Clause of an Act, intituled, "An Act for the Abolition of Slavery in this Island."

WHEREAS by the 4th clause of an Act, intituled, "An Act for the Abolition of Slavery in this Island," it is enacted, that all apprenticed labourers should for the purposes thereinafter mentioned, be divided into three distinct classes, the first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands belonging to their owners; the second of such classes, consisting of prædial apprenticed labourers not attached to the soil, and comprising all persons who in their state of slavery were usually employed in agriculture, or in the manufacture of colonial produce or otherwise, upon lands not belonging to their owners; and the third of such classes, consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included within either of the two preceding classes; and it was further enacted, that such division as aforesaid of the said apprenticed labourers, should be carried into effect in such manner and form, and subject to such rules and regulations as should for that purpose be established, under such authority, and in and by such Acts of Assembly as thereinafter mentioned, with a proviso that no person of the age of 12 years or upwards should by or by virtue of any such Act of Assembly be included in either of the said two classes of prædial apprenticed labourers, unless such person should for 12 calendar months

at

at the least, next before the passing of the now recited Act, have been habitually employed in agriculture, or in the manufacture of colonial produce: and whereas there is a mistake in the aforesaid proviso, which it is necessary to alter; we therefore, your Majesty's most dutiful and loyal subjects, the President administering the government of the said Island, and the Council and Assembly of the same, do pray your most Excellent Majesty, that it may be enacted, and it is hereby enacted, that the said proviso, and every matter and thing therein contained, shall be, and the same is hereby repealed and made void, and that instead thereof, that the said proviso shall be as follows: provided always, that no person of the age of 12 years or upwards shall by or by virtue of any such Act of Assembly be included in either of the two classes of prædial apprenticed labourers, unless such person shall have been habitually employed in agriculture, or in the manufacture of colonial produce, for 12 calendar months at the least before the 28th day of July, which was in the year of our Lord 1833.

Dated at Montserrat, the 28th day of May, in the 5th year of His Majesty's reign, and in the year of our Lord 1835.

Passed the Assembly, this 11th day of May 1835.

(signed) *Henry Dyett*, Clerk of Assembly.

Passed the Council, this 11th day of May 1835.

(signed) *Henry Wm. Dyett*, Deputy Clerk of Council, &c.

John Allen, Speaker.

Published 28th day of May 1835.

(signed) *Dudley Semper*, Prov. Marshal.
Henry Hamilton.

TOBAGO.—(No. 1.)

AN ACT to amend an Act, intituled, "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of *Great Britain* and *Ireland*," intituled "An Act for the Abolition of Slavery throughout the *British Colonies*, for promoting the Industry of the manumitted Slaves, and for Compensating the Persons hitherto entitled to the services of such Slaves."

Preamble. Former Act amended.

WHEREAS it is expedient and necessary to amend an Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland," intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves," and to repeal the 11th, 15th, 30th, 64th and 65th clauses of the said Act: We, therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor and Commander-in-chief, in and over the Island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most Excellent Majesty, that it may be enacted,

11th, 15th, 30th, 64th, and 65th clauses former Act repealed.

Clause 1. And be it, and it is hereby enacted, by the said Henry Charles Darling, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that the 11th, 15th, 30th, 64th and 65th clauses of the said recited Act shall be, and the same are hereby repealed, abrogated and annulled.

Apprenticed labourer of age of 12 years and upwards to have half an acre land each for growth of provisions, not more than one mile distant from their residence; all under that age one quarter of an acre; be entitled to 28 full working days in each and every year, out of the 45 weekly hours during which they are by law required to labour.

2. And be it, and it is hereby enacted by the authority aforesaid, that from and after the passing of this Act, every person in this island entitled to the service of any prædial apprenticed labourer, or his or her attorney, agent or representative, shall be, and they are hereby bound and required to set apart for, and allow to every such prædial apprenticed labourer, being of the age of 12 years and upwards, half an acre of land properly adapted for the growth of provisions, and not more than one mile distant from the place of residence of such labourer, and in respect of every prædial apprenticed labourer under the said age, every such person, or his attorney, agent or representative shall be, and they are hereby bound and required to set apart for, and allow to the father or reputed father or mother of every such infant labourer, one quarter of an acre of like ground, or if such infant labourer shall have no parent in the service of such employer, then such quarter of an acre shall be set apart for some other apprenticed labourer, who shall be charged with the cultivation of the same, for the benefit of such infant; and for the proper cultivation of such ground, and for the raising and securing the crops grown thereon, every such apprenticed labourer shall, instead of the portion of time now allowed by law, be entitled to 28 full working days in each and every year during the term of apprenticeship, from and out of the 45 weekly hours during which they are by law required to labour; provided always, that nothing herein contained shall be construed to prevent any person entitled to the services of such apprenticed labourer, or his or her attorney, agent or representatives, from setting apart for, and allowing to every such apprenticed labourer, such portion of land at a greater distance than one mile from the place of his or her residence, if such apprenticed labourer shall signify his or her consent to the special magistrate of the district in which he or she shall reside, that he or she is willing or desirous of cultivating provision-grounds at a greater distance than hereinbefore specified.

3. And be it, and it is hereby enacted by the authority aforesaid, that no apprenticed

Apprenticed labourer not to reside beyond limits of his plantation or estate without consent, in writing, of his or her employer.

labourer shall hereafter reside beyond the limits of the plantation or estate in which he or she may then be resident, unless with the authority or consent in writing of his or her employer, or the special magistrate of the district upon good cause shown; provided that the special magistrate shall not be at liberty to permit such residence off the plantation, if it would interfere with the prescribed duty of the apprenticed labourer on the estate to which he or she may be attached.

Passed the House of General Assembly this 20th day of October 1835.

(signed) *James Nicholson*, Clerk of the Assembly.

James Johnston,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council this 24th day of October 1835.

(signed) *John Thornton*, Clerk of the Council.

William T. Nicholson, President.

By order of his Excellency the Governor-in-Chief, conveyed to me in his Despatch of the 14th instant, I assent to this bill.

Tobago, 28th December 1835. (signed) *H. C. Darling*, Lieut.-Gov.

Duly proclaimed this 29th day of December 1835.

(signed) *C. J. Leplastrier.*
D. P. Marshal.

God save the King.

TOBAGO.—(No. 2.)

AN ACT to provide for the Building of places of Confinement and Punishment, and to establish a Police Force in the said Island; and also to repeal the 55th, 56th & 57th clauses of the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the Manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves.'"

A place of confinement to be erected in the Windward quarter of this Island; a treadmill established; Commander-in-chief to appoint a proper person to be keeper and superintend the same.

WHEREAS, it is expedient that a place of confinement should be erected in the Windward quarter of this island, and that a treadmill should be established therein, for the punishment of such persons as may be sentenced to hard labour thereon: and whereas by the 2nd clause of an Act, entituled "An Act for establishing certain Rules and Rugulations respecting Persons sentenced to punishment by Hard Labour," it was provided that when and as soon as a treadmill should be erected in the said windward quarter of the island, it should be lawful for his Excellency the Lieutenant-governor or Commander-in-chief of the said island, to appoint a proper person to be keeper and superintend the same in person; and it was also provided, that the said superintendent should be the keeper of any house of correction or place of confinement that might be established in the said windward district; and whereas it is also expedient that a place of confinement should be erected in the north side of the island, and that a keeper thereof should in like manner be appointed: and whereas it is desirable that the 55th, 56th and 57th clauses of the Act, intituled, "An Act to carry into effect the provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the Manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves,'" should be repealed, in order that the enactments regarding the police may be consolidated into one Act; and whereas it is also desirable that the said buildings should be erected with as little delay as possible, and that provision should be made for the same: we therefore, your Majesty's most dutiful and loyal subjects, his Excellency Major-general Henry Charles Darling, Lieutenant-governor in and over the island of Tobago and its dependencies, the Council and General Assembly of the same, do humbly pray your most excellent Majesty that it may be enacted;

Commander-in-chief to appoint Commissioners to carry this Act into execution.

Clause 1. And be it and it is hereby enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor or Commander-in-chief of the said island, by warrant under his sign manual, to appoint two members of his Majesty's Council, and three members of the House of General Assembly, to be Commissioners to carry this Act into execution, and from time to time to fill up the vacancies that may happen by death or otherwise amongst the said Commissioners, and until any such vacancies shall be filled up, it shall be lawful for the surviving or continuing Commissioners to act as if no such vacancy or vacancies had occurred.

2. And

2. And be it and it is hereby enacted by the authority aforesaid, that all acts, matters, and things which the said Commissioners for the execution of this Act, are by this Act authorized to do or execute, may be done and executed by any three or more of such Commissioners, one at least being of the Council.

Commissioners, any three or more to be a majority, one of which to be of the council.

3. And be it and it is hereby enacted by the authority aforesaid, that the said Commissioners shall be empowered, and they are hereby directed to purchase, if necessary, three spots or parcels of land, with or without buildings thereon, one in the parish of St. Paul, one in the parish of St. David, and one in the parish of St. Andrew, and in such convenient situations as may be best adapted from their locality for the erection of places of confinement; provided always, that neither of such spots or parcels of land shall exceed three acres of land.

Commissioners empowered to purchase lands.

4. And be it and it is hereby enacted by the authority aforesaid, that it shall be lawful for all persons who are or shall be seised, possessed of or intrusted in any lands or buildings, which shall be deemed necessary for the purposes of this Act, to contract or agree for the sale of, and to sell, convey and assure such lands or buildings unto such person or persons as shall be named by the said Commissioners, in trust for the purpose of erecting thereon such places of confinement and punishment as aforesaid, and upon the execution of such conveyance or conveyances, the said land, buildings and premises shall vest in the person or persons so to be named by the said Commissioners, and his and their heirs, in trust for the purposes aforesaid.

Lands to be conveyed to trustees, who are to be named by Commissioners.

5. And be it and it is hereby enacted by the authority aforesaid, that the said Commissioners shall cause the buildings necessary for such places of confinement, punishment, and as residences for the police force to be erected on such plan or plans as may appear to the said Commissioners best adapted therefor, and shall contract and agree with proper persons for the erection of such buildings, to be built according to such plan or plans, and subject to such alterations as may from time to time seem to the said Commissioners to be necessary and expedient, and shall also contract and agree for the purchase of a treadmill, with the necessary machinery for grinding corn, &c., to be placed in the said building, so to be erected in the parish of St. Paul; and the said Commissioners are also hereby empowered and required from time to time to cause such necessary repairs to be made in such buildings as shall be required, and the said Commissioners are hereby authorized to execute any agreement in writing on behalf of the public with any person or persons to be employed in the erection of such buildings, and for completing the same in a proper and workmanlike manner; provided always, that tenders for such contracts shall be advertised in one or more of the newspapers of this island, and that the lowest and most eligible tender, if approved, shall be accepted by the said Commissioners, and they are hereby required to take a bond or bonds from the contractor or contractors in such penalty or penalties as shall seem proper to them, and with two good and sufficient securities to be approved of by them, for the due and prompt performance of his or their contract or contracts, and from time to time, as any sum or sums of money shall become due to the person or persons from whom such spots or parcels of lands as aforesaid shall have been purchased, or to such contractor or contractors under and by virtue of any such contract or contracts as aforesaid, or for the purchase of such mill or for repairs, it shall and may be lawful for the Governor, Lieutenant-governor or Commander-in-chief in Council, to sign a warrant for payment of the same, which warrant the treasurer of the said island or his lawful deputy shall discharge out of the monies hereafter appropriated to that purpose.

Commissioners to cause buildings of places of confinement and residences of police force to be erected, and to contract for treadmill for Windward quarter.

6. And be it and it is hereby enacted by the authority aforesaid, that when and as soon as the said place of confinement shall be erected and finished in the parish of St. David, it shall be lawful for his Excellency the Lieutenant-governor or Commander-in-Chief of the said island, to appoint a proper person to be keeper and superintendent thereof, and the said superintendent so to be appointed shall be entitled to receive for the same, out of the public treasury of this island, a salary at and after the rate of 45 *l.* per annum, and the said superintendent shall keep and observe, as well the rules and regulations established by an Act, intituled "An Act for the better Regulation of the Gaol in the Town of Scarborough," as well as the rules and regulations that may hereafter be established by the court of king's bench of the said island.

Place of confinement to be erected in the parish of St. David, a proper person to be appointed as keeper, &c.

7. And be it and it is hereby enacted by the authority aforesaid, that the 55th, 56th and 57th clauses of the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the services of such Slaves,'" shall be, and the same are hereby respectively repealed, abrogated and annulled; provided always, that the repeal of the said clauses shall not alter or in anywise affect the construction of any other clause or clauses of the said Act for the abolition of slavery, which may refer to any of the clauses so repealed, but that such unrepealed clauses shall have and receive the same construction, with reference to any clause by this Act substituted for such repealed clauses, as if these substituted clauses had been originally enacted.

Clause 55th, 56th and 57th of the Imperial Abolition Slavery Act repealed.

8. And be it and it is hereby enacted by the authority aforesaid, that the Governor, Lieutenant-governor or Commander-in-Chief of the said island shall, and he is hereby authorized and empowered to nominate, and from time to time to appoint six fit and able-bodied men to act as a police force for the said island, two of which said men shall be

Commander-in-chief to appoint six able-bodied men to act as a police force.

attached to each justice of the district, to act as constables for preserving the peace, and shall have all such powers and authorities as any constable duly appointed now has, or hereafter may have by virtue of any law or statute now made, or hereafter to be made, and shall carry into effect and execution all such orders and directions as they may from time to time receive from the special justice of the district to which they may be attached, for preventing and repressing all crimes and offences committed by any apprenticed labourers, and for enforcing obedience to the rules and regulations established by the Act, intituled "An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled 'An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such Slaves,'" and shall obey all such lawful commands as they may from time to time receive from the special justice of the district to which they may be attached, for conducting themselves in the execution of their office.

Police force to apprehend all loose, idle, and disorderly persons.

9. And be it and it is hereby enacted by the authority aforesaid, that it shall and may be lawful for any man belonging to the said police force, during the time of his being on duty, to apprehend all loose, idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find between the hours of nine at night and five o'clock in the morning lying in any highway or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver such persons so apprehended into the custody of the superintendent of the next nearest place of confinement, in order that such persons may be secured until they be brought before the special justice of the district or the next justice of the peace, as the case may require, to be dealt with according to law.

Special Justices to frame such orders and regulations as expedient to the general government of police force.

10. And be it and it is hereby enacted by the authority aforesaid, that the special justices shall from time to time, subject to the approbation of the Governor, Lieutenant-governor or Commander-in-chief of the said island, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed under this Act, the description of their arms, accoutrements and other necessaries to be furnished them, and all such orders and regulations relative to the said police force, as the said justices shall from time to time deem expedient for preventing neglect or abuse; and either of the said justices may at any time suspend or dismiss from his employment any man belonging to the said police force, whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; such suspension or dismission nevertheless to be subject to the confirmation or disallowance of the Governor, Lieutenant-governor or Commander-in-chief of the said island; and when any man shall be so dismissed or cease to belong to the said police force, all powers vested in him by virtue of this Act as a constable, shall immediately cease and determine.

Warrants, &c. of special justice to be executed by one of police force.

11. And be it and it is hereby enacted by the authority aforesaid, that all summonses, warrants, commitments or other orders to be issued by any such special justice of the peace, in the execution of his duty as aforesaid, shall be executed by one or other of the police constables of the district; provided always, that nothing herein contained shall be construed to prevent such special justice from addressing the same, as occasion may require, to any other constable or constables of the said island jointly with or instead of such police constables as to him may seem requisite.

Persons assaulting or obstructing police force; how dealt with.

12. And be it and it is hereby enacted by the authority aforesaid, that if any person shall assault or obstruct any person belonging to the said police force in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender being convicted thereof before two justices of the peace, shall for every such offence forfeit and pay such sum, not exceeding 5 *l.*, as the said justices shall think meet; provided always, that nothing herein contained shall be construed to deprive the court of king's bench of its jurisdiction over such offences.

Clothing allowed to police force.

13. And be it and it is hereby enacted by the authority aforesaid, that each man attached to the said police force shall be allowed two suits of clothes per annum, each suit to consist of one blue cloth jacket, with red collar and cuffs, one linen shirt, one pair of blue cloth trowsers, and one cap or hat, and the said men shall be armed in such manner as the special justice shall order and direct.

Salary of police force.

14. And be it and it is hereby enacted by the authority aforesaid, that each of the said men so to be appointed as aforesaid, shall be entitled to receive for the duties to be by him performed as aforesaid, a salary at and after the rate of 35 *l.* sterling money per annum, and shall be entitled to receive at the expiration of each and every quarter, from his Excellency the Lieutenant-governor or Commander-in-chief of the said island in Council, a warrant under his hand directed to the public treasurer for payment of the same, which said warrants the public treasurer is hereby authorised and required to pay out of the monies hereafter appropriated to that purpose.

Tonnage duty money on vessels to be appropriated to the building of places of confinement, &c.

15. And whereas under and by virtue of an Act, intituled "An Act to impose a Duty on the Tonnage of all Ships and Vessels entering the Ports of this Island, and to appropriate the Monies thereby raised to the purposes herein mentioned," passed in or about the 12th day of November 1832, certain sums are from time to time paid into the public treasury of the said island by the collector of His Majesty's customs; and whereas it is desirable that the

the said monies should be appropriated towards the purposes of this Act; be it therefore, and it is hereby enacted by the authority aforesaid, that all monies so paid or to be paid into the public treasury of the island by virtue of the said recited Act, shall be applied towards the erection of the said buildings directed by this Act, as far as the same may be required for that purpose.

No. 4. Colonial Abolition Acts. — Tobago.

Passed the House of General Assembly, the 3d day of November 1835.
(signed) *John Hooper*,
Acting Clerk of the House of General Assembly.
James Johnston,
Speaker of the House of General Assembly.

Passed the Board of Legislative Council, this 4th day of November 1835.
(signed) *John Thornton*, Clerk of the Council.
William T. Nicholson, President.

By order of his Excellency the Governor-in-Chief, conveyed to me in his Despatch of the 14th instant, I assent to this Bill.
Tobago, 28 December 1835. (signed) *H. C. Darling*, Lieut.-Gov.

Duly proclaimed, this 29th day of December 1835.
(signed) *C. J. Leplastrier*,
D. P. Marshal.

God save the King.

— No. 5. —

ANALYSIS of Colonial Acts and Ordinances, general in their Title, but in Practice more particularly affecting the Emancipated Negroes; presented by Mr. *Beldam*, as the Evidence of himself and Mr. *Matthews*, on the Acts and Ordinances included in it, and ordered to be printed on the 15th July 1836.

No. 5. Analysis of Colonial Acts.

MANY of the enactments considered in this analysis, especially such as relate to vagrancy, police regulations and prison discipline, have been virtually adopted into the Abolition Laws, and require to be examined as part and parcel of them; others relate, in express terms, to apprenticed labourers; and, together with the remainder, form parts of an oppressive system recently established in the colonies for the government of the labouring classes, and exercising a decisive influence upon the present and future condition of the emancipated negroes.

With respect to vagrancy it may be briefly observed, that the Imperial Act of Abolition expressly authorizes the enactment of new provisions with a view to the social change about to take place in the colonies; and that the colonial legislatures have accordingly provided against this offence, partly by special enactments introduced into their Abolition Laws, and partly by general laws upon the subject. In the greater number of instances the Abolition Law, which defines the offence, specifies likewise the penalty; but the mode of bringing the offender to justice, as well as his subsequent treatment, are in most cases left to the provisions of the general law of the colony, which, on that account, if on no other, requires to be carefully examined. The abuses of which vagrant laws in general are susceptible, having been already considered in the printed Analysis of the Jamaica Vagrant Act, need not be here repeated.

With respect to police and prison laws it may be observed, that so far as new provisions are required, with a view to the contemplated change, they were fully authorized by the Imperial Abolition Act; and provisions of this kind have been framed accordingly, partly in the Abolition Laws themselves, and partly in the general laws of each colony. In all cases under the Abolition Laws, to which the authority of the estate constables does not extend, the powers of the general police supply the deficiency; and in a great variety of cases under the Abolition Laws, the special justices are enabled or required to commit the offender to the common gaol or common house of correction. In Jamaica and in Barbadoes this punishment may be substituted alone for all the other punishments authorized by the Abolition Acts of those colonies. The constitution and powers of the general police, and the discipline and management of places of confinement, form therefore a most important part of the general inquiry into the working of the abolition system.

With respect to those portions of the general laws of the colonies which expressly relate to apprenticed labourers, the very nature of such enactments requires that they should now undergo examination.

With regard to the remaining general laws, such for instance as relate to questions between master and servant, such as create or fix the conditions of new apprenticeships, such as limit the rights of small proprietors and petty tradesmen, or in any way disclose in their structure or their practical operation a design to make the emancipated classes the continued objects of peculiar restraint or coercion, it seems impossible to exclude such enactments from an impartial inquiry into the means adopted for carrying the intentions of the Imperial Parliament into operation. Without undervaluing any part of the previous inquiry, it may, indeed, be affirmed that laws of this permanent and comprehensive character possess a higher importance, and require a more minute investigation than the provisions of any temporary system: and unless it be consistent with good faith to perform with one hand an act of justice, which may be immediately resumed with the other, such Acts passed almost contemporaneously with the Acts of Abolition, in direct

No. 5. Analysis of Colonial Acts.

contravention of the spirit of the Imperial Act, and practically withdrawing from the emancipated negroes a considerable portion of that substantial freedom which it was the design of the Imperial Act to bestow, must be considered as virtual infractions of that Act, not only justifying but demanding immediate inquiry and redress.

To this entire analysis the concluding sentiments expressed in the analysis of the Jamaica Vagrant Act appear to be applicable. The friends of emancipation, after having consented to pay so costly a price for the absolute freedom of the slaves, will not consider the compact completed by finally converting them into "serfs;" while from such specimens of colonial legislation as many of these Acts and Ordinances exhibit, they must naturally conclude that the abolition of an avowed system of slavery is but the commencement of the work; and that the more important part still remains to be accomplished, in securing to the negroes, by just and permanent enactments, administered by impartial and responsible functionaries, the substance of that liberty which has been so dearly purchased.

JAMAICA.

JAMAICA.

The Jamaica laws under this head have been already printed in the second part of Mr. Beldam's Analysis, except the following; viz.

AN ACT to Organize a Police:—Passed 17th December 1835; expired 31st December 1836.

This Act has most probably been revived, and it may be proper therefore to remark, that it contained among other enactments, a clause prohibiting under a very heavy penalty the possession of any sugar, rum, pimento, coffee or other produce, or any wood, grass, or canes, without a permit from the proprietor or overseer, or other person in charge of the property whereon such produce was grown and manufactured.

This enactment, including every species of produce, applies of course to the articles usually raised upon the apprentices' own grounds, and they may consequently be put at any time to the almost impossible proof of the identity of every article cultivated or produced by themselves, subject to the penalties on default as aforesaid.

BARBADOES.

BARBADOES.

AN ACT for the Establishment of a Rural Police for this Island, and for the Erection of Houses of Correction connected therewith:—Passed 14th July 1834.

AN ACT for the Temporary Establishment of a Rural Police in this Island:—Passed 24th April 1835, for six months only.

AN ACT for continuing in force and amending the last-mentioned:—Passed 9th December 1835; allowed 9th March 1836.

Insurmountable objections of a political character occasioned the disallowance of the first of these Acts by the Home Government. These objections appear to have been removed by the two following Acts, and a more liberal character is given to the police system of this colony, by placing it for the present under the practical control of the special justices. This arrangement, however, does not justify the introduction of several arbitrary clauses which will be briefly noticed. It is true that a colourable precedent may be found for such clauses in the Metropolitan Police Act of the 3d & 4th Will. 4, c. 19: but it should be remembered, that the last-mentioned Act has only a local operation; that its duration is extremely limited; that its officers are under the immediate notice and control of a Secretary of State; and that it is guaranteed from gross abuse by the force of public opinion; yet, with all these securities it is still regarded with some jealousy, and its powers are exercised with great moderation: and it is to be remarked, that neither in that Act nor in any other British Act is to be found the unconstitutional authority introduced into the Barbadoes Police Act, of examining the accused party on oath for the purpose of self-crimination.

The several enactments of the Barbadoes Police Act, up to section 14, need no particular comment.

Section 14. Remarks similar to those made on portions of the Jamaica Vagrant Act, ss. 3. 5. are applicable here. The right to search and seize without warrant ought to be limited as in the English Statute 5th Geo. 4, c. 83, to "suspected persons and reputed thieves." To convict in such cases without the slightest proof of guilt or even direct charge of guilt, seems contrary to reason and justice.

Ss. 15. 17. These clauses seem dangerous alike, to personal and domestic security. Not only the person on whose premises suspected articles are found, but all other persons being there and suspected of assisting to deposit the suspected articles, having cause to suspect their lawful possession, must either prove the possession to be lawful, or that the deposit was made without their knowledge or default, or otherwise, without any proof even of the suspected articles being really stolen or unlawfully obtained, they may be convicted of a misdemeanor and be fined 10 *l.*, or be imprisoned with hard labour for not more than two months. The effect of such an imprisonment upon the apprentice's future subsistence has been exhibited in the remarks already made upon the Barbadoes Abolition Act, ss. 58, 59.

Section 16. The injustice of convicting on a mere chain of suspicions, attached to no ultimate proof, is aggravated into a violation of constitutional right by this clause, which authorizes and requires the justice to apprehend and examine on oath all persons through whom such property has passed, touching their possession; and upon the whole evidence to convict every such person who had cause to suspect such articles to have been stolen or unlawfully obtained.

Section

Section 18. Shows the extent to which such suspicions may be carried, and provides for the sale of unowned property accordingly.

AN ACT for the establishing of Rules and Regulations for the Government and Discipline of the Rural Police of this Island:—Passed 9th December 1835; allowed 9th March 1836.

Appears to require no particular comment.

AN ACT to establish a Police in Bridge-Town, in the Parish of Saint Michel:—Passed 29th July 1834.—Suspended.

"AN ACT to amend" the above Act:—Passed 19th August 1835.—Left to its operation.

The first of these was suspended for reasons similar to those which occasioned the disallowance of the Rural Police Act. These reasons were removed by the second Act, which vests the appointment of magistrates in the governor, and excepts from their jurisdiction all questions between apprenticed labourers and their employers. But sec. 16 is still open to the objections made to sec. 3 of the Jamaica Vagrant Act, and to sec. 14 of the Barbadoes Rural Police Act, as to the power of apprehending on mere suspicion of "any evil design;" a power which, as connected with the punishment of absence in the case of apprentices, appears especially objectionable, and ought at least to be confined to "wanderers" at night, as in the British Act 11 Geo. 4, s. 30; and section 17, should be limited as in the British Act 5th Geo. 4, c. 83, s. 5, to cases of violent resistance and subsequent conviction of the original offence.

BYE-LAWS, ORDINANCES and REGULATIONS for the good Government of Bridge-Town:—Assented to by the Governor, 16th November 1835.

These bye-laws not having been put into the form of a legislative Act, have not been allowed by the Home Government.

AN ORDINANCE relative to Idle, Disorderly and Suspicious Persons.

Rule 2. And it shall and may be lawful for the said justices of the peace, and they or any two of them are hereby required, when any idle or disorderly person shall be brought before them, suspected of any evil design, to inform themselves touching the same, by the examination upon oath of any person or persons; and for the purpose of obtaining a knowledge of the condition and circumstances of every such suspicious person, it shall and may be lawful for such justices to examine every such person on oath, and every such suspicious person so examined, who shall give a false account of himself or herself shall be liable to be imprisoned for any time not exceeding one month, and be worked on the treadmill, or public works, if so ordered.

Advantage appears to have been here taken, as in the Jamaica Vagrant Act, ss. 6. 11, of a clause in the British Act, 17th Geo. 2, c. 5, s. 7, authorizing a similar examination, on oath, of "rogues and vagabonds," for the purpose of ascertaining their means of subsistence, and the place of their legal settlement; but that merely parochial provision awards no specific punishment in case of false answers, and moreover gives, in s. 26, a right of appeal to the sessions against the abuse of this power. This rule is objectionable likewise, as observed on the preceding Police Acts, in giving the power of apprehending on mere suspicion of any evil design.

AN ORDINANCE regulating the Time for bringing Provisions, Poultry, Guinea Grass and other Articles from the Country into Bridge-Town.

After prohibiting the introduction of such articles before six o'clock in the morning and after six o'clock in the evening, a regulation which, to say the least of it, operates very harshly upon labouring apprentices, who are thereby deprived of the power of bringing the produce of their provision-grounds to market, except on one day in the week, it further enacts as follows: "And the justices are also hereby authorized and required to examine the person or persons so apprehended and brought before them, on oath, touching their situation or calling, and the place of his or their residence, and either to dismiss such person or persons" (the articles brought for sale being absolutely condemned and forfeited) "or deal with him, her or them according to law."

The same objection lies to this as to the preceding ordinance, but with greater force; inasmuch as the persons so apprehended and examined are not outcasts from society, and the intention of such examination is openly avowed to be for the infliction of punishment when necessary.

AN ACT for the better regulating the Common Gaol of this Island.—Passed 9th December 1835; allowed March 1836.

By section 6 of this Act any prisoner, being a Dissenter, desirous of conferring with any Catholic or Dissenting minister, and making application to the provost-marshal or his deputy, and specifying the minister, the provost-marshal or deputy is required to give a ticket of admission to such Catholic or Dissenting minister, after inquiring into his character, for the purposes aforesaid.

The discretion as to character hereby given to the provost or his deputy is highly objectionable, and there appears no reason for not extending a similar privilege to all inmates of prisons, as in the more recent British enactments in similar cases. The arbitrary power given to the special justice by the Barbadoes Abolition Act, No. 1, s. 75, of substituting confinement at the tread-mill for all other punishments under that Act, makes the exclusion of this privilege of peculiar importance to apprentices.

No. 5.
Analysis of Colonial Acts.

BARBADOES.

AN ACT the better to regulate the Sale of Goods, Wares and Merchandizes by Itinerant Vendors, in and about the Roads and Streets of this Island.—Passed 9th December 1835; suspended.

The objections taken by the Colonial Secretary to this Act are not certainly known: the following clauses, however, are grossly repugnant both to the spirit and the letter of the Imperial Act of Abolition, and may be presumed to have been among the principal grounds of its suspension:

Section 1 excludes all persons, not being free, from being hawkers and pedlars.

Section 2 authorizes free persons nevertheless, under certain restrictions, to employ apprenticed labourers in that trade as carriers.

It is needless to observe on the invidious distinction, not only in practice but in name, hereby created between apprenticed labourers and other persons of similar occupations in the colony.

BRITISH GUIANA.

BRITISH GUIANA.

AN ORDINANCE for the more speedy Recovery of Debts not exceeding in any case the amount of 5 *l.* sterling, or 70 guilders.—Enacted 6th November 1835; allowed 30th January 1836.

This ordinance, though doubtless of great practical utility, seems inconsistent with the 18th section of the Imperial Act. To be in strict conformity with that section, cases between master and apprentices should be entrusted to special justices only; employers at least should be prevented from prosecuting such claims against apprentices before the ordinary magistrates. The 9th clause, requiring the permission of the master in order to compel the attendance of an apprentice witness, is in all cases unreasonable, and would be unjust where the complaint is made against the witness's own master.

No new police or vagrant laws appear to have been passed in this colony.

MAURITIUS.

MAURITIUS.

ABSTRACT of certain ORDINANCES passed in this Colony.

ORDINANCE on Public Instruction:—Dated 12th December 1835.

Notes and References.	*Articles.*
The provisions of this Act, however conformable they may be with the laws of France, are inconsistent with the full enjoyment of civil and religious liberty, and may seriously interfere with missionary and other efforts for the education and religious instruction of the negroes.	Public instruction is placed under the protection of government; its direction and superintendence is confided to a committee to be called, "The General Committee of Public Instruction," of 13 members. Art. 3. Requires teachers of private schools to obtain the previous sanction of the governor, and to renew this permission, which may be withdrawn on report of the committee of instruction. 4. Punishes keeping school without permission, with a fine not exceeding 20 *l.* sterling, and with closing of the school. 5. Requires a prospectus or programme of the studies, discipline, terms and management to be communicated to the committee of instruction, and makes teachers liable to be examined by committee.

ORDINANCE respecting Domestics, Gens de Service et de Journeé:—Dated November 14, 1835.

Art. 1. The object of this and several of the following clauses is evidently to bring the entire class under the surveillance of the police; and to subject them to peculiar restraint and coercion.	Art. 1. Enacts that persons of both sexes, hired by the year, month or day, under whatever denomination, as domestics, throughout the colony, shall register themselves at the police office in Port Louis, and at the civil commissioners' in the districts, under pain of imprisonment not exceeding three days, and provide themselves with a passport; but excepts apprentices under the Abolition Act. 2. Enacts that masters of apprentices hiring them out as domestics, shall do for them in like manner, under a penalty not exceeding 1 *l.* 3. Enacts that none shall harbour or hire a person without passport, under a penalty not exceeding 5 *l.*; and the passport shall be deposited with the hirer. 4. Directs that on a person quitting service, the master shall send the passport to the police, inserting the day and causes of leaving; within three days afterwards the domestic must attend at the police to declare whether he intends to continue in service or to take some business, under pain of imprisonment not exceeding four days. A similar declaration must be made by the master for his apprentice hired out, under a penalty

Notes and References.	*Articles.*
	a penalty not exceeding 1 *l.*, the passport *viséd* accordingly, is to be re-delivered to the domestic or master of apprentice hired out, and in the latter case *viséd* likewise by the special justice. A list of these declarations is to be returned by the commissioners to the chief commissary of police.
	5. Enacts that none shall hire a person after dismissal from a former master until the passport shall have been inspected by the police, under a penalty not exceeding 5 *l.*
	6. Punishes every domestic using a passport borrowed, fabricated or falsified, with imprisonment and hard labour for one month, and with forfeiture of wages. The person counterfeiting, fabricating or falsifying, forfeits a sum not exceeding 5 *l.*, or suffers imprisonment with hard labour not exceeding one month.
Art. 7. This clause corresponds with the provisions of the vagrant ordinance; and practically reduces the greater part of the free population of the colony to the condition of "serfs."	7. Enacts that every domestic, labourer, or artizan, out of service for more than three months and unable to prove that he has the means of subsistence, may be taken by the police and be employed on the public works. Or if only provisionally resident in the colony, may be sent away.
	8. Authorises the appointment by the police of a special officer for domestic larcenies. In the districts the same duty is to be performed by the civil commissioner.
	9. Enacts that punishments be inflicted within six months, or within three months, if the servant procure a new place.
Art. 10. This clause is an evident infringement upon the free enjoyment of the apprentice's own time; and as such is directly repugnant to the Imperial Act of Abolition.	10. Enacts that masters willing to permit apprentices to hire themselves or work for themselves, must conform to Art. 2, and the special justice may authorize or refuse his sanction according to the conduct and character of the apprentice.
	11. Obliges day-labourers, porters, jobmen and others of that description in Port Louis to wear a badge, and when unemployed to occupy a stand, under a penalty not exceeding six days of labour or imprisonment, with labour not exceeding three days.
	12. Enacts a like punishment as in Art. 6, for wearing counterfeit, fabricated or false badges, and for the making of the same.
	13. Punishes persons employing porters, &c., without badge, by a penalty not exceeding 1 *l.*
Art. 14, 15. The persons appointed by this clause are for the most part planters, and cannot be considered impartial judges in such matters.	14, 15. Authorize the civil commissioners or their substitutes in the districts, and the tribunal of the peace at Port Louis, to take cognizance of disputes, &c., respecting agreements, wages, &c.
	16. Enacts that this ordinance shall take effect from the date of publication.

ORDINANCE respecting Labourers and Workmen :—Dated 14th November 1835.

The preamble recites, that the change produced by the Act of Abolition, the natural tendency of the emancipated to idleness, the daily introduction into the colony of foreign labourers, and the insufficiency of the penal laws to compel the lower orders to work, call for measures proper to conciliate good order, with the necessity of agriculture and the mutual interests of masters and servants.

Art. 1. Enacts a general census of all the inhabitants (slave apprentices only excepted) under a penalty not exceeding 2 *l.* sterling, and the census to be annually amended.

No. 5.
Analysis of Colonial Acts.

MAURITIUS.

Notes and References.	*Articles.*
Art. 2. The character and object of this and several following clauses, is pointed out in remarks on Art. 1 of the preceding ordinance.	2. Treats all persons in the class of labourers, having no trade or employment or visible means of subsistence, as persons without object (aveu), and places them under the surveillance of the police. Such persons offending against police regulations for the first time shall be imprisoned, with or without hard labour, for any period not exceeding three months, but in case of a subsequent offence, for one year.
Art. 3. The character and consequences of this and similar clauses is pointed out in remarks on Art. 7 of the preceding ordinance.	3. Enacts that every person under 60 years of age and able to work, who does not make it appear that he has some employment, or sufficient means of subsistence, shall be obliged to take a trade, to find an employer or to engage in agriculture, within a period to be fixed by the chief commissioner of police or civil commissioners, in default of which he may be put by the police to the public works; after a default of three months, he may be placed in any house or shop, at any trade for which he is best suited, during a term of three years, subject, however, to an appeal to the Tribunal of First Instance within eight days, whose decision shall be final. If, at the expiration of three years, the same person cannot procure himself an employment, he may be bound again in like manner.
	4. Enacts that within a month after the publication of the present ordinance, every person above the age of 21 years who is or shall be in service as a labourer, workman or apprentice, of whatever denomination it may be, for more than one month, shall come in person to be registered at Port Louis by the police, and in the districts by the civil commissioners, under a penalty not exceeding 1 *l.* sterling, or imprisonment not exceeding three days. This shall be done officially for the persons included in Art. 3. There shall be delivered to each individual a certificate containing his names, birth-place, business, description, whether maimed or otherwise, and the name of his master.
	5. Prohibits any person from engaging a labourer or apprentice without a certificate under a penalty of 10 *l.* sterling.
	6. Requires that the certificate be renewed with each change of service, under pain of not more than eight days' imprisonment.
Art. 7, 8. *Vide* remarks on a Trinidad Ordinance of the 13th October 1834, containing similar clauses.	7. Enacts that any child above the age of eight years, and every minor, may of his own accord, if his parents or guardians do not object, become an apprentice or labourer or workman of any kind; the indentures must be made in writing before a justice or commissary and be registered, but the apprenticeship is to continue only until the age of 21, and a certificate, similar to that in Art. 4, shall be granted.
	8. Enacts that children under the age of 21, who cannot be maintained by their parents, shall be apprenticed by the justices or commissioners in the same form, and on the same conditions, as those prescribed by Art. 7.
Art. 9. This clause revives the master's power of flogging; and females are not excepted.	9. Authorizes the master of every apprentice under the age of 14 years, on failure of duty, to imprison the offender for any time not exceeding 24 hours, or to inflict such domestic correction as is proportioned to the age and offence.
	10. Ordains that apprentices above the age of 14, for breaches of duty not specified in their indentures, may be fined not exceeding 5 *l.* sterling, or imprisoned with hard labour for not exceeding three months.
	11. Punishes assault or battery of the master or manager with one year's imprisonment with hard labour.
	12. In the cases provided for by the preceding articles authorizes the indentures to be annulled by the master, without prejudice to the public action, if there be ground for it.
	13. Compels a master failing in his duty to pay damages.

14. The

Notes and References.	*Articles.*
	14. The same in cases of excessive chastisement or other ill-treatment.
	15. In such cases authorizes the indenture to be annulled, saving the right of complaint before the ordinary tribunals and the right of public action, if there be ground for it.
	16. Punishes conspiracies to quit or neglect work, to alter the terms of engagement or to raise wages, with imprisonment for six months with hard labour.
Art. 17. 19. These clauses may lead to a new species of slave trade, and to much of the injustice pointed out in the Resumé.	17. Enacts that foreign labourers, workmen or apprentices shall not be introduced into the colony without the permission and authority of the governor, under a penalty not exceeding 100 *l.* sterling.
	18. Enacts that persons obtaining permission as above must furnish a caution to the police.
	19. Enacts that foreign contracts, written and registered at the police, shall be binding in the colony, and that the servant or apprentice shall have a certificate as in Art. 4.
	20. Punishes absence without sufficient cause by the loss of double the time of absence, and if for upwards of three days, by imprisonment not exceeding five days.
	21. In case of conspiracy, as in Art. 16, entitles the master to damages before the judge of First Instance.
Art. 22. The injustice of such an enactment has been already noticed in remarks upon the enactments of other colonies.	22. In case of condemnation to imprisonment, authorizes the master to retain two days' wages for every day's imprisonment.
	23. Authorizes the recovery of pecuniary punishments against masters, with the privileges awarded to *gens de service.*
Art. 24. The arbitrary and injurious character of this clause, particularly as it may lead to the separation of families, is apparent.	24. Authorizes every foreign labourer, workman or apprentice committing a crime against the public peace, to be sent out of the colony, at the expense of the person who introduced him.
	25. Punishes inveigling apprentices, &c. from service with a fine of 5 *l.* sterling.
Art. 26. For the partiality of such tribunals, *vide* remarks on Arts. 14 & 15 of the preceding ordinance.	26. Refers minor complaints of masters against apprentices, &c. respecting service, to the justices of the peace at Port Louis, and to the commissioners in the districts; and authorizes the same persons to decide as to wages, contracts and general matters connected with this ordinance, and to inflict punishment separately or cumulatively; and makes their decision final, except in cases as in Art. 3.
	27, 28. Give powers to commissaries accordingly.
	29. Excepts from the meaning of the word apprentice, apprentices under the Act of Abolition.

RESUMÉ of the two above abstracted LABOUR ORDINANCES of the 14th November 1835.

THE substance of the following resumé is extracted from the comments of *John Reddie*, esq., late upon the projéts de lois, upon which these two ordinances (with a few modifications) have been framed.

The first of these ordinances, in its practical operation, reduces all the free coloured population, who are not landed proprietors, to a state of bondage little differing from slavery itself. It removes them from the protection of the ordinary laws hitherto in force, and places

places them under the surveillance of the police, who possess the power to punish severely, and even to banish, individuals who may happen to be unemployed during a limited period, and are unable to satisfy the civil commissary that they are possessed of the means of subsisting independently. In short, it enforces the most oppressive and odious police regulations upon those who had been previously treated as freemen, and it legalizes the punishment of such as through no fault of their own may happen to be unemployed.

The second of these ordinances gives the governor a power to admit African, Madagascar or Mozambique negroes into the colony in the name of labourers; in other words, it re-establishes a species of slave trade. It withdraws the individuals thus imported from the protection of the ordinary tribunals, subjects them to conditions and penalties without their consent or knowledge, and compels them to seek for protection and justice, in cases of injury, from the civil commissaries, who are themselves planters, and cannot therefore be considered impartial judges. The real spirit of such enactments is undoubtedly slavery, by whatever other name it may designated.

MONTSERRAT.

MONTSERRAT.

AN ACT for the Summary Punishment of Common Assaults and Batteries, and of Riotous and Disorderly Conduct:—Passed 22d November 1834.

Gives a summary jurisdiction to ordinary justices of the peace, not only over riotous and disorderly conduct, and abusive or provoking language addressed to any person, "tending to a breach of the peace," but also over "any improper language" in the public streets or highways; each of which offences may be punished by a fine (including costs) of 10 *l.*, and on non-payment immediately, or at a time to be fixed by the justice, by imprisonment in the common gaol for any time not exceeding two months, unless sooner paid.

The latitude hereby given to the right of police interference seems open to much abuse. At all events apprenticeship cases of this description ought to be referred to the decision of a special justice.

AN ACT for establishing a Police in the said Island:—Passed Council 26th April 1834; allowed 3d February 1836.

The immediate superintendence of the police, the framing of regulations for the discipline of police establishments, and the government of prisoners confined therein, are respectively entrusted to the special justices. Powers so important to the welfare of the community ought not to be valid until they have received the sanction of the governor. *Vide* the preliminary remarks to the Jamaica Prison Act, already referred to.

ST. KITTS.

ST. KITTS.

AN ACT for the Summary Punishment of Common Assaults.

This Act corresponds with the Montserrat Act for similar purposes, and is consequently open to the same remarks.

AN ACT to punish and repress Vagrancy and other Offences committed by idle and disorderly Persons; and to regulate the Wages of Persons employed as Porters and Boatmen in the several Towns in this Island:—Passed the Council 20th October 1834.

Notes and References.	*Sections.*
Sect. 1. This Act having been passed subsequently to the Abolition Act, which gives exclusive jurisdiction to the special justices over apprenticeship cases, it is at least doubtful whether such cases are not cognizable under this Act by the ordinary magistrate.	Sect. 1. All vagrants may be apprehended without warrant by constables, auxiliary constables and the police, and may be taken before a justice of the peace.
Sect. 2. The offenders chiefly contemplated by this clause are obviously the negro population, and the offences specified in it have been already provided for in various instances by the Abolition Acts themselves; the severe punishments of this Act may be considered therefore as cumulative or capable of substitution for the penalties inflicted by the Abolition Acts. Merely "wandering" in the streets, without begging, is not punishable by any British Act, nor is it necessarily any offence at all. "Dwelling" in a negro house without permission, includes the case of wives or husbands, and other persons from other	Sect. 2. All persons having no visible means of subsistence, who shall be found wandering about the streets, or dwelling in any of the houses upon any plantation, without the sanction of the owner or director, or trespassing on the land of any plantation, by attempting to cultivate or use the same, by cutting the wood or taking the voura or grass on the same, or any other article the growth thereof, without legal authority, or the implied sanction of the owner or his representative, or who shall be found promulgating false reports, or wandering about any plantations, or in any of the ranges or private

Notes and References.	*Sections.*
other estates, visiting their nearest relations, or temporarily residing on the plantation. This clause is not only opposed to the spirit of the Imperial Act, but likewise to the admonition of Lord Glenelg, in his remarks on a clause in the Tortola Act, (*vide* Parliamentary Papers, Part II. p. 133.) "Cultivating" waste ground, or collecting its produce, is certainly no indication of a vagrant disposition, and, if an offence at all, seems to be amply provided against in the case of apprentices, by the Abolition Acts themselves. "Promulgating false reports," is a description much too general for penal legislation; it ought at least to be limited to libel or gross slander. "Wandering about plantations," or in ranges or private roads thereof, includes the case of apprentices visiting their nearest relatives on other estates. Even if the words "having no visible means of subsistence," at the commencement of this section, be understood to govern the whole clause, which the nature of the offences therein specified seems to contradict, these enactments, as compared with the British Act 5 Geo. 4, c. 83, appear to be highly objectionable.	private roads thereof, shall be deemed vagrants.
Sect. 3. This clause seems principally designed to interfere with the harmless recreations of the negro population, and it exposes the offender to a punishment unwarrantably severe.	Sect. 3. All persons playing at noisy games, in the public streets or squares, are to be deemed vagrants.
Sect. 4. Many of the articles herein specified are the produce of the apprentices' own provision-grounds, and certain utensils are necessary for their cultivation; yet any constable meeting an apprentice with any such articles upon him, may seize and carry him before a magistrate, and the apprentice is exposed to the risk of severe punishment, unless by mere good fortune he be able to prove his right to the identical articles in question; and no summary redress is provided by the Act in case the police should abuse their authority.	Sect 4. All persons removing or carrying away sugar, syrup, wood, grass, voura, cotton, molasses, rum, canes' sprouts, magop, pewter drop, copper, iron, lead, oats, corn, oil-cake, lumber of any kind, or other plantation article or utensils, and not able to account satisfactorily for the possession of the same, are to be deemed vagrants.
Sect. 5. This clause does not even (as the Barbadoes Police Act, sec. 15,) require that the information, putting the accused party in peril of his liberty, shall be on oath.	Sect. 5. Any person suspected of having purchased or received any of the articles mentioned in the preceding clause, knowing the same to have been received or carried away, shall, on information against him, prove his ignorance of any fraud or theft, or else suffer as a vagrant.
Sect. 6. This clause seems unnecessarily to interfere with the harmless recreations of the negro classes.	Sect. 6. All persons opening their habitations for dancing or other noisy merriment, without a written licence from a justice on each occasion, and all persons there assembled and not quietly dispersing after due notice, are to be deemed vagrants, and suffer one or more of the punishments of this Act.
Sects. 9 & 12. The penalties of this clause appear to be unwarrantably severe.	Sects. 9 & 12. Offenders not being able to give security, may be committed until the next sessions; on conviction, they may be fined 30 *l.* currency; or, if males, be flogged with 39 lashes, or be imprisoned with hard labour for any period not exceeding three months, or suffer any one or more of the above punishments; but in case of a fine, no other punishment is to be inflicted. These punishments are doubled for a second offence, and for a third offence the offender may be transported for seven years.
Sect. 16. By 5 Geo. 4, c. 83, s. 4, a similar offence must be accompanied "with intent to commit a felony."	Sect. 16. Any person lounging or idling about the towns or bays, without a porter's or boatman's badge, shall be deemed a vagrant, and punished accordingly.
Sect. 23. The generality of the language here employed includes British subjects, and mere political offenders against the laws of other countries, as well as fugitive slaves.	Sect. 23. Inflicts a penalty of 50 *l.*, or imprisonment in default of payment, on every captain or master of a vessel importing any person from any country or place against whose laws such person is an offender.

No. 5.
Analysis of Colonial Acts.
St. Kitts.

Notes and References.

These clauses are open to great abuse in the case of missionaries, teachers and other persons visiting the island on errands connected with the welfare of the negroes and the benefit of the colony.

Sections.

Sects. 24, 25. Require every stranger, except a British officer, within 10 days after his arrival, to enter into a bond, with one sufficient security, to be approved by the secretary, in the sum of 50 *l.*, not to be chargeable to any parish, and to conduct himself in a peaceable and orderly manner; and in default of entering into such bond, such stranger shall be imprisoned until it is given, or he or she can be sent from the island: And any person receiving the offender as an inmate, or otherwise harbouring or entertaining such person, may be fined 25 *l.* currency, and in default of payment be imprisoned for one month.

Objections less serious than many of those which may be fairly urged against this oppressive statute have already occasioned the disallowance of the Jamaica Vagrant Act.

Sect. 26. This Act is not to lessen the force of an Act for similar purposes.

NEVIS.

Nevis. An Act for the Summary Punishment of Common Assaults and Batteries, and of Riotous and Disorderly Conduct in the Island of Nevis:—Passed 31st July 1834.

Is similar to an Act of the Island of Montserrat, already analysed, and open therefore to the same remarks.

An Act for establishing a Police Force and House of Correction in and for the Island of Nevis:—Passed 4th November 1835.

Limited in its duration to five years.

Sect. 14. The power hereby given to the police to destroy hogs and goats abroad in the streets, or trespassing on cultured lands, seems a wanton sacrifice of the property of apprentices.

Sects. 15 & 18 are objectionable in leaving the rules and regulations of penal gangs, police stations and houses of correction to be framed by the commissioners; the discipline of such establishments ought at least to be subject to the approval of the governor. *Vide* preliminary remarks to the Jamaica Prison Act, already referred to.

VIRGIN ISLANDS.

Virgin Islands. An Act for improving the Administration of Criminal Justice in the Virgin Islands:—Passed 26th July 1834.

By sect. 29 of this Act, any person who shall have in his possession any rum, sugar, sling, syrup, molasses or cotton, or one or more sugar cane or canes, without being able to account for, or being unwilling to account for, or failing to show that he or she came honestly and lawfully by the same, shall on conviction before a justice of the peace for the first offence forfeit and pay over and above the value of the articles stolen, and also the amount of the injury done, any sum not exceeding 5 *l.*; and for a second offence be committed to hard labour in the common gaol or house of correction for any period not exceeding three months; and being a male, and convicted before two justices, be once or twice publicly or privately whipped; and for any subsequent offence be deemed guilty of felony, and punished as for simple larceny.

It may be doubtful whether clause 86 does not even confer on the justice the right to compel an accused party to submit to examination.

The remarks already made upon similar enactments in the Antigua Act of 23d August 1834 apply to this Act. It appears to be part of a system for discouraging agriculture among the negroes, and perpetuating their servile condition.

ST. VINCENT.

St. Vincent. An Act for the Regulation of the Tread-mill at Kingstown:—Passed 8th December 1827.

Sect. 2. By this clause a simple breach of the peace may be punished with 60 days' labour in the tread-mill.

Sect. 4. The rules and regulations for the government of this establishment are made by the grand court of sessions.

As to the necessity of submitting such rules and regulations to the sanction of the governor, *vide* preliminary remarks on the Jamaica Prison Act, already referred to.

An Act for the Punishment of Idle and Disorderly Persons, Rogues and Vagabonds :— Passed 2d March 1833, for Five Years only.

By sect. 1, "Any person not having a right of residence in the colony according to the laws thereof," shall be deemed an idle and disorderly person, and may be imprisoned to hard labour on the tread-mill.

By sect. 2, every person playing or betting in any house or outhouse (the British Act 5 Geo. 4, c. 83, requires that it should be in some open or public place), and any person charged with any of the offences enumerated in the Act for the establishment and regulation of a tread-mill in Kingstown (which includes a simple breach of the peace), shall be deemed a rogue and vagabond.

By sect. 4, a third conviction, as an incorrigible rogue, is punishable with transportation for life.

By sects. 5, 6, 7, a person coming to settle in the colony, and not possessing 20 *l.* per annum, may, if he become actually chargeable, be sent out of the country, unless he give security for future good behaviour and proper maintenance. And any person convicted of a breach of the peace, or deemed by any laws of the colony an idle or disorderly person, or who shall appear to the magistrate, upon the oath of one witness, to be a person of evil fame, and not being able to give a satisfactory account of himself, or of his way of living, shall be considered a person actually chargeable under this Act, and may be removed to his native place, or last place of abode, by order of the magistrates. And on his refusal to go, or voluntarily returning, he may be punished with two months' imprisonment, with hard labour.

By sect. 8, any free person may apprehend any offender, and convey him before a justice of the peace.

The arbitrary and oppressive character of this statute may be seen by reference to the disallowed Jamaica Vagrant Act, and to corresponding clauses in the St. Kitt's Vagrant Act.

GRENADA.

An Act for establishing a Common Gaol and Tread-mill in the Island of Carriacon :— Passed 10th November 1834.

The sanction of the governor to rules and regulations for places of this description should in all cases be made essential to their validity; this is the more necessary here, as special magistrates may, by sect. 3 of this Act, commit apprentices to the common gaol either for security or for punishment; and *vide* on this subject, preliminary remarks on the Jamaica Prison Act, already referred to.

TOBAGO.

No. 275.—An Act to regulate the Police of the Towns of Scarborough and Plymouth :— Passed 16th July 1834.

By sect. 12 of this Act, any justice of the peace residing at Plymouth may authorize any person to destroy sheep, goats and hogs found in the streets of the said towns, and such person, upon producing the heads thereof, shall be entitled to retain the same for his own use, and also to receive the sum of 2 *s.* 6 *d.* sterling from the public treasury, upon the certificate of the justice to whom such head is produced; and it shall be lawful for any person or persons to kill any sheep, goats or hogs found in the streets of the said towns, or upon any of the lots of the same, and the heads shall become the property of the person so killing them as aforesaid; and if the owner or owners of such sheep, goats or hogs do not remove them from the said streets or lots at the end of two hours after being killed, the bodies thereof shall become the property of the person killing, or of any other person who will take them away, and if any person shall be prosecuted in any action for such killing, he may plead the general issue, and give this Act in evidence.

Clause 28, extends the same powers to magistrates and constables throughout the colony.

Property of this description belongs principally to the emancipated negroes; this Act contrasts singularly with an enactment in the Act of 26th January 1835, for the protection of property belonging to a different class of owners.

No. 281.—An Act for the Prevention of Trespasses in the said Island :—Passed 26th January 1835.

By sect. 6 of this Act all owners, renters, possessors, or persons having the charge of any plantation or estate, pieces or parcels of land, and for their respective servants to kill and destroy any hogs or goats found trespassing upon their lands, the heads to become the property of the person killing them. The owner may have the bodies, if claimed within two hours after they are killed, and paying for the damage they may have done. If not claimed within two hours or damage not paid, the bodies shall become the property of the person killing them, or of any other who will take them away. Persons prosecuted may plead general issue, and give the Act in evidence. But if any person shall wilfully and intentionally kill, wound, maim or destroy any horse, cattle or stock (wild or dangerous

No. 5. Analysis of Colonial Acts. — Tobago.

cattle, hogs and goats only excepted), although found in trespass, such person shall, on proof thereof, pay the owner double the value of the same.

Proviso not to prevent the killing of sheep in the streets or lots in the towns of Scarborough and Plymouth, as is by law allowed.—(*Vide* Act, No. 275.)

An invidious distinction seems to be here drawn between different classes of owners; the object apparently being to protect the property of the planters at the expense of the apprentices and other small proprietors.

No. 284.—An Act to regulate the Conduct and to fix the Value of the Labour of Persons acting as Porters and Labourers in the said Island:—Passed 26th January 1835.

By section 1 of this Act no apprenticed labourer shall obtain a licence for this purpose without first producing to the magistrate a ticket or other document from the person entitled to his services, specifying that such apprenticed labourer had his or her permission to act as a porter or labourer.

Provided always, that nothing herein contained shall be construed to prevent any person in charge of apprenticed labourers from sending them to work for a temporary period on board of any ship or vessel that may be consigned to the estate to which such apprenticed labourer belongs.

The arbitrary character of this clause and its repugnancy to the spirit of the Imperial Act is apparent.

The proviso should be limited to labour exclusively connected with the estate, and to the period during which the vessel remains at the island.

An Act for the better regulation of the Gaol in the Town of Scarborough:—Passed 16th February 1830.

By section 7 of this Act each prisoner confined under the Tread-mill Act, and whose diet is thereby restricted to bread and water, shall be allowed good wholesome bread, not exceeding two pounds per day. For all other prisoners, coarse wholesome food, viz. salt or pickled fish, with corn meal, yams, plantains, rice or bread, not exceeding in value 8*d.* sterling per day for each prisoner.

No minimum is fixed in the case of tread-mill prisoners; and the allowance of other prisoners should be determined not by value but by quantity.

By section 12 the friends of prisoners for debt, damages or contempt, and of prisoners in solitary confinement, are permitted to visit them at stated intervals; but this privilege does not extend to prisoners for trial or in execution, unless they be in solitary confinement. The omission is particularly important as regards spiritual consolation and advice.—*Vide* British Act, 4th Geo. 4, c. 64, s. 31.

By section 16 it does not appear whether corporal punishment may be inflicted on females.

TRINIDAD.

Trinidad.

Ordinance for establishing an effective System of Police within the Town of Port of Spain:—Passed 7th September Cr 1835.

An Ordinance to explain the above, 16th September 1835.

Sections 40 to 42 inclusive, relating to cases of suspicion of felony, and authorizing the examination of the accused party, are open to many of the objections already urged against the Barbadoes Rural Police Act, ss. 14. 16.

An Ordinance for the more speedy Administration of Justice in cases of Contracts for the Performance of Labour, and of Apprenticeships and Contracts of the nature thereof; and to regulate the Formation of Apprenticeships, and to prevent and punish the harbouring of runaway Apprentices:—Passed 29th November 1834.

This ordinance has almost exclusive relation to the apprenticeship of liberated Africans; but as several of the clauses, either directly or indirectly, affect Abolition apprentices, some notice of them seems requisite here.

By sections 6, 7, minors, above the age of 14 years, may apprentice themselves; and guardians of children, under that age, may apprentice such children to this new species of servitude. As great advantage may be taken of the dependent condition of apprentices under both systems of apprenticeship, especially in default of parents or near relations, no such engagements ought to be valid without the written sanction of a special magistrate.

BAHAMAS.

No. 838.—An Act to prevent the Resort of Rogues, Vagabonds and other idle and disorderly Persons to the Bahama Islands, and for the Punishment and Correction of certain Offences therein specified, and for other Purposes therein mentioned:—Passed 12th November 1835.

Notes and References.

The offenders chiefly contemplated in this clause are evidently the emancipated negroes. It is unnecessary to dwell on the arbitrary and unconstitutional manner in which it treats them. Acts of vagancy in this colony ought to correspond, as nearly as possible, with the definitions of the British Act, 5 Geo. 4, c. 83; the examination of the accused party on oath should be altogether expunged, and the discretion of the magistrates as to recognizances with sureties confined within proper limits.

Sections.

By sections 1, 2, of this Act, persons of idle, drunken or disorderly habits, not exercising any regular trade or calling, or without visible means of livelihood, who, on being examined touching such their habits and absence of employment, or want of honest means of subsistence, shall not satisfy the magistrates of the correctness of their lives, shall be deemed vagrants. Two magistrates, or only a single magistrate where there are not more than three in the island, may arrest and examine the accused party on oath; and if the accused party refuse to be summoned and examined, may commit him to prison until he be purged of his contempt and contumacy, to the satisfaction of the magistrate; and on summary trial and conviction of vagrancy as aforesaid, shall commit the offender to gaol or the house of correction for one month, unless the offender enter into recognizances, with one or more sureties to the satisfaction of a magistrate, to be of good behaviour, and keep the peace for at least six months; on a second conviction the imprisonment is extended two months, with hard or moderate labour, at the discretion of the magistrate; and, after a second conviction, if the offender persist in vicious or disorderly courses, the judges of the general court, or chief presiding judge, on complaint, shall proceed against the offender in like manner, and on conviction commit him to prison, with or without hard labour, for any period not exceeding 12 nor less than three months; and on a second or third conviction, the offender shall not be enlarged as a matter of right on entering into recognizances as aforesaid.

The trivial nature of many of the acts constituted offences in these clauses, and the arbitrary power of interference given to the constable, with the severity of the punishment that may be imposed, respectively form grounds of strong objection to these clauses.

By sections 4, 5, all assemblages of persons, of either or both sexes, and of whatever age, by day or night, on the public parade, or in or about the market-house, vendue-house or elsewhere, or near the streets or highways, otherwise than in the regular performance or in pursuance of some lawful duty, calling or employment, or object; all loitering, carousing or the like, in or about any shop or place where liquors are sold by retail; all loud singing or whistling in or near the said streets or highways, or playing at cricket or other like games on the parade, or in or near the said streets or highways; and all flying of kites, or other like pastimes, in or near the same, are declared to be unlawful, and may be repressed by the constable; and all resistance, disturbance or abuse of the constable is declared to be a misdemeanor; and such offenders may be summarily convicted and punished, either by a fine not exceeding 5 *l.*, or by imprisonment not exceeding 20 days: Provided, that an old offender, of general bad character, may be sentenced to hard labour, solitary confinement and the stocks, with the addition of 39 stripes if he be a male; and provided, that in the worst cases the magistrates may proceed as if this Act had not been passed; and an action for damages is reserved.

The former part of this clause applies to all British subjects, and, to say nothing of its vagueness of expression, it appears to invest the governor with a power capable of great abuse through the agency of inferior officers.

By ss. 6, 7. On vessels arriving in the colony, if it shall appear on any authentic information to the magistrate, that any passenger has not visible means of livelihood, or is or hath been considered in the place or places from whence he last came in the light of an idle or disorderly person, or a rogue, vagabond or swindler, the magistrate shall immediately report the same to the governor, who may order the commander of any such vessel to take and keep such passenger on board, or to carry him back to the port from whence such vessel departed at the commencement of its voyage, or to any other port out of the limits of the Bahamas, under a penalty of 200 *l.*, and such suspected rogues, vagabonds and others, not being British subjects, may be imprisoned and sent out of the colony.

No. 5.
Analysis of Colonial Acts.

BAHAMAS.

Notes and References	*Sections.*
The Bahamas Vagrant Act, is perhaps the most arbitrary of the West India acts upon this subject. It is certainly more objectionable than the disallowed Jamaica Vagrant Act.	By sect. 10, this Act is limited to the period of 10 years.

AN ACT to provide a Summary Remedy against the Occupation of Lands by Persons having no Title to the same:—20th March 1834.

Has been already fully commented upon by Mr. Jeremie.

AN ACT for regulating the Public Market of the Town of Nassau, in the Island of New Providence, and for limiting the Price of Butchers' Meat, and for other Purposes therein mentioned:—Passed 31st March 1835.

This Act is limited to the period of 10 years.

The small venders, who are principally affected by this enactment, are of course apprenticed and free negroes.

By the 16th sect. of this Act, persons offering for sale their meat, corn, or other articles or things for sale in a loud voice, to "attract customers," or disturbing the market by shouting, singing, screaming or otherwise, may be punished on conviction by a fine not exceeding 20 *s.* or by imprisonment for any number of days not exceeding five.

AN ACT for the more effectual Punishment of Persons committing Malicious Injuries to Property:—Passed 6th October 1834.

By sect. 12, injuries to fences, &c., are punishable with a fine of 10 *l.*, and for a second offence with six months' imprisonment, and twice whipping, but the number of stripes is not specified. Acts of this description ought to correspond as nearly as possible with the British Act 7 & 8 Geo. 4, c. 30, on the same subject, and some limitation ought to be put upon the power of flogging.

CAPE OF GOOD HOPE.

CAPE OF GOOD HOPE.

ORDINANCE for erecting, constituting and establishing Police Courts, to be holden in Cape Town and Simon's Town respectively, and for defining the Duties and Jurisdiction of the Judge and Superintendant of Police of Cape Town, and of the Justice of the Peace of Simon's Town respectively:—1st August 1834.

Sect. 4 of this ordinance expressly gives jurisdiction in petty cases of a criminal nature, between masters and their apprentices, to the ordinary magistrate; and although by sect. 12 the jurisdiction of the special justice is indirectly reserved, the clauses, taken together, appear to bestow a concurrent jurisdiction in such cases on both descriptions of magistrates.

Two drafts of ordinances for the better suppression of "vagrancy" have been prepared in this colony; the first was published in the month of May and the second in the month of September 1834; but as neither of them actually passed into a law, nor was ever in practical operation throughout the colony, it is unnecessary to state more respecting them here, than that their extremely oppressive and objectionable character appears to have occasioned their disallowance.

— No. 6. —

ANALYSIS of certain Acts of the Colonies of *Antigua* and *Bermuda*, general in their Title, but in Practice more particularly affecting the Emancipated Negroes; presented by Mr. *Beldam* as the Evidence of himself and Mr. *Matthews* on the Acts included in it. Ordered to be printed, 15th July 1836.

ANTIGUA.

ANTIGUA.

AN ACT for establishing a New System of Police and for increasing the Power of the Magistracy of this Island, in the Appointment of Rural Constables, and for providing and regulating a House of Correction; passed 31st July 1834.

This Act being passed for two years only, will soon expire; but it will most probably be re-enacted. Under a general title it chiefly affects the enfranchised negroes, and comes therefore within the scope of this Analysis.

The several enactments up to sect. 13 need no particular observation.

Sect. 13. The remarks already made on the Jamaica Vagrant Act, sect. 2, as to "night-walkers," and "idle and disorderly persons," apply here.

Sect. 14.

Sect. 14. Gives a discretion to police-officers, in determining what are offences, which may be much abused; "unsuitable" conduct in the streets, and playing at bat and ball, are respectively punished with a fine of 5*l.*, and on default of immediate payment, with imprisonment in the common gaol for 21 days.

Sect. 15. Authorizes the unnecessary destruction of a description of animals most commonly belonging to the negro population.

Sect. 23. Authorizes the demand of a deposit, which may operate as a denial of justice to the class in the greatest need of protection.

Sections 26 to 30. These clauses give an unconstitutional influence to owners of estates over the administration as well as the officers of justice, and not only expose it to natural suspicion, but actually endanger its proper exercise.

Sect. 33. Prison discipline forms much too important a branch of municipal government to be left, as in this clause, to the uncontrolled discretion of local magistrates.—*Vide* on this subject the preliminary remarks to the Jamaica Prison Act already referred to.

AN ACT for the Establishment and Regulation of a Market in the Town of St. John, and for regulating the Sale of various Commodities throughout the Island:—No. 386, passed 23d August 1834.

Sect. 8. No person shall sell, barter or offer for sale any sugar, molasses, syrup or sugar-canes in the said market, or in the public streets or highways of the island, under the penalty of their being seized.

Sect. 9. No person shall carry about or offer for sale or barter in any part of this island, any wood, grass, cane tops, trash or magoss, milk or fresh butter, without a regular pass, dated and signed by the owner, manager, or director of the estate from which the same is sent. Any person may seize offenders, and, as soon as conveniently may be, carry them before a justice of the peace, who, on satisfactory proof of the offence, is directed to dispose of such articles to the informing party; and the offenders, if unable to account satisfactorily for the manner in which such articles came into their possession, shall incur the pains and penalties endured by persons convicted of receiving stolen goods.

The necessary consequence and probably the intended effect of enactments like these, is to discourage the production of such articles by small proprietors and occupiers. Apart from the impolicy of this legislation, the injustice is obvious of exposing such individuals, being themselves the owners, to the punishment of felony, unless by mere good fortune they be able to prove their property in the identical articles so found in their possession.

AN ACT for more effectually preventing the purchase of stolen Iron, Copper, Lead and Brass in this Island, and for repealing sundry Laws at present in force in the said Island relative thereto:—Passed 7th November 1834.

Section 4. "If any iron, copper, lead or brass shall be found in the possession of any person not being the proprietor or renter of a sugar plantation," he shall be deemed to have stolen the same, unless he prove the possession lawful.

Putting the proof of innocence on the accused party seldom admits of justification, but the generality of this clause connected with its impolicy, renders it peculiarly objectionable.

AN ACT for the better adjusting and more easy Recovery of the Wages of Servants in Husbandry, and of Artificers, Handicraftsmen, and other Labourers employed upon Estates, and for the better Regulation of such Servants, Artificers, Handicraftsmen and other Labourers:—Passed 8th August 1835.

By sect. 2 of this Act, misdemeanor, miscarriage or ill-behaviour on the part of servants may be proved by the oath of the master, and punished by imprisonment, not exceeding one month, or by abatement of wages, or by discharge from employment; misconduct, cruelty or ill-treatment of servants by masters, may be proved by the oath of the servant, who thereupon is entitled to his discharge from the employer's service.

This clause is defective in reciprocity, as it inflicts no punishment on the master for misconduct, and gives no remuneration to the injured servant. While on the other hand, the abatement of wages, as a punishment for the misconduct of the servant, is subject to no limitation.

Sect. 5. Gives an appeal to any person aggrieved by the decision of the magistrates, except on order of commitment. The effect of this clause is obviously to limit the right of appeal to the master, who is the only party not liable to be committed.

Ss. 6, 7, 9. Under these clauses all special or particular hirings on estates are to be entered into in the presence of a justice, and attested by him; but the presumption of law is to be in favour of general hirings. No definite distinction seems indeed to exist between general and special hirings under this Act, a small number only of which (it may be feared), notwithstanding the penalties incident to the breach of them, will be reduced to writing, or approved by a magistrate.

AN ACT passed the 25th August 1835, and another Act passed the 14th September 1835 respectively, extend the Wages' Act above analysed to servants in towns and other places, and to menial servants.

No. 6.
Analysis of Colonial Acts.

BERMUDA.

BERMUDA.

No. 465.—An Act for regulating the Sale of Garden or Farm Productions, and the Establishment of Markets in the Towns of Hamilton and St. George:—Passed 7th August 1833; expired 1st September 1834.

Notes and References. *Sections.*

This Act was passed for one year only; but as there is reason to believe it has been renewed, it will require a few comments.

Enactments seriously tending to the discouragement of agricultural industry among the peasantry, and to the oppression of small tradesmen and others, ought to be very cautiously allowed. The arbitrary and mischievous character of such clauses as are here abstracted, has been already pointed out in remarks upon a section of the Jamaica Police Act of the 17th December 1825, and upon the Antigua Market Act of the 23d August 1834.

By sect. 3, any person importing, sending, carrying or exposing such articles for sale in the island, must, when required by any constable, prove to the satisfaction of the constable, either by certificate or otherwise, to whom the said articles belong; and that he came lawfully by them.

Sect. 5. In case of suspicion of theft, constables may make inquiry of all venders who may have sold such articles within four weeks past, and on failure of proof, to the satisfaction of the constable, of the lawful possession of such articles as are then, or within four weeks past have been in their possession, or of the production of the party from whom such articles were received, such persons may be taken without warrant before a justice, who, on like failure by the vender to produce satisfactory evidence as aforesaid, shall inflict a penalty of not less than 30*s.*, nor more than 5 *l.*, besides costs, and on default of satisfaction by distress, commit the party so charged for one month to solitary confinement, or to the treadmill, or to both, at his discretion.

Sect. 10. Corn and all other kinds of grain, fruit, esculent vegetables and roots of all sorts, poultry of all sorts, grass, eggs, milk, palmetto tops and leaves, honey and honeycomb, are, under this Act, to be deemed garden and farm productions.

No. 470.—An Act in addition to the Act, as well for the Relief of the Poor as for the putting out of Apprentices, and setting idle Persons to work:—Passed 25th June 1834; expires 25th June 1841.

Advantage has been taken of an objectionable portion of British law to establish a still more objectionable system in this colony. In England the simple object of a parish apprenticeship law was to relieve the parochial burdens at the expense of individual parishioners, a system which, in this country, practically led to comparatively little oppression, but in a colony where cheap labour is an article of the greatest solicitude, the main object of such a law must plainly be to procure that article on the easiest terms, and in a manner which obviously tends to the re-introduction of many of the evils of the old system.

Sect. 1. Recites and confirms a colonial Act of the 13th July 1787, authorising churchwardens and overseers, with the assent of the justice or justices, of the parish, to bind out any poor child they shall think proper to be apprenticed, until the age of 21 years, or if a female, until 20, or marriage; but enacts that all such apprenticeships shall henceforth be by indenture.

If such powers as usually belong to a parish apprenticeship system (including the master's power of administering personal correction) can be safely exercised at all in a community but just emerged from slavery, they ought at least to be restrained within the narrowest possible limits, and submitted to those checks which have been deemed requisite even in the mother country. Among these will be found two of the greatest importance. By the British statute, 56 Geo. 3, c. 139, s. 2, no such indenture shall be allowed by any justice of the peace who shall be engaged in the same business, employment or manufacture, in which the person to whom such child shall be bound is engaged. And by the 28 Geo. 3, c. 48, s. 7, regulating the apprenticeship of chimney-sweeps, who were thought peculiarly exposed to hardship and ill-treatment, no master is allowed to retain, keep or employ more than six apprentices at one and the same time; restrictions such as these introduced into Bermuda would greatly limit the evils to be apprehended; but so long as this new species of apprenticeship is permitted to continue, measures of protection at least equal to those afforded by the slave apprenticeship system ought to be provided.

Sect. 11.

By

Notes and References.	*Sections.*
Sect. 11. This clause, like the Antigua Wages Act, sect. 2, exhibits the grossest want of reciprocity. It provides not the slightest recompense to the servant for ill-treatment or cruelty on the part of the master; while the power of abating wages for the servant's misconduct, which may be proved by the master himself, is left without limitation to the magistrate's discretion.	By sect. 11. The misconduct of any servant, artificer, handicraftsman or labourer, towards an employer, being proved on the oath of the employer, may be punished by the justice with one month's imprisonment and hard labour, or otherwise by abating the wages or discharging the party from his employment. In case of ill-treatment or cruelty on the part of the employer, no power of administering an oath to the servant is given, but on proof of the complaint the justice is simply authorised to discharge the servant.
Sect. 12, 13. *Vide* remarks on preceding clause.	By sect. 12, 13. The like power of discharge is given in the case of parish apprentices, and the like power of punishing them for misconduct, but the punishment may be extended in these cases to three months' imprisonment with hard labour.
Sect. 18, 19. Some pretext might exist for compensation to the master in addition to the punishment as already provided by this Act, and to the personal correction a master is authorised to inflict on his apprentice, if the contract in the first instance had been voluntary, or its advantages could be shown to be mutual.	By sects. 18, 19. Apprentices absenting themselves from the service of their masters are bound to serve an equal time, or to make satisfaction; and on oath by the master of the apprentice refusing so to do, a justice may determine the amount of satisfaction, and if the apprentice shall not give security for such satisfaction, he may be imprisoned for any time not exceeding three months; but satisfaction must be made within seven years after the expiration of the original apprenticeship.
Sect. 20. This clause (considered in connexion with sect. 11) wants reciprocity; it withholds from the servant a power possessed by the master, viz. that of proving his own case.	Sect. 20. Servants in husbandry, &c. under contract, absenting themselves, or being guilty of any other misdemeanor in their employment, may, on the oath of the employer or agent, be imprisoned for any time not exceeding three months, nor less than one month; and masters determining their contracts with servants, without sufficient cause, may, on proof thereof, be fined in a penalty not exceeding 10 *l.*, for the benefit of the servant; but no oath can be administered in this case to the servant.
Sect. 21. This clause is obviously defective in reciprocity.	Sect. 21. Gives a power of appeal to the master or agent, but not to the servant, &c.
Sect. 27. The British Acts require that a person should be actually chargeable, to authorize any interference on the part of the parish; and the order must be made by at least two justices in session. The importance of this objection is enhanced by the supposed power given to owners in the next clause.	Sect. 27. Obliges certain relations to maintain their relatives, "in such manner and according to such rules, as by the justice or justices of the peace, and vestry of the parish where such sufficient persons dwelt, shall be deemed and ordered, upon pain that every one of them shall forfeit and pay 20 *s.* for every month which they shall fail therein."
Sect. 28. It may be presumed that the power hereby given to overseers extends to cases in which no actual chargeability has been incurred.	Sect. 28. Authorizes parents to bind or place their children as apprentices or servants, and in like manner a mother her illegitimate child; and where parents are unable to maintain their children, overseers, by the consent of the justice or justices of the parish, may by indenture place out such child or children to service from time to time until the age of 21 if a male, or if a female until such age or marriage. By section 29. Such children are entitled to the same protection, and liable to same punishment as parish apprentices.

No. 473.—AN ACT to restrain and punish Vagrancy:—Passed 28th June 1834; expires 28th June 1837.

Sect. 2. The remarks already made on the definitions of vagrancy in the disallowed Jamaica Vagrant Act, ss. 2 & 3, apply to this clause, which ought to be made to correspond with	By section 2. Persons merely wandering without a home, or lurking on estates or settlements without permission of the owner, or playing at any game in any low tavern or

No. 6. Analysis of Colonial Acts.

BERMUDA.

Notes and References.	*Sections.*
with the British Statute 5 Geo. 4, c. 83, in *pari materiâ*. The Bermuda Vagrant Act is in fact, with few exceptions, a copy of the disallowed Jamaica Act, to which is added in this colony the power of punishment on the public works or in the public service. It seems unnecessary to repeat more particularly the objections which have been urged against this class of enactments in the Jamaica analysis.	in the streets, or wandering abroad and lodging in taverns, not giving a good account of themselves, or being found in or upon any dwelling-house, and not giving good account of themselves, or frequenting public places with intent, &c., or making fraudulent representations, shall be deemed rogues and vagabonds. Sections 3, 4, 5, 6, 8, 10, 12, 14, of this Act closely resemble the corresponding clauses, viz. sections 4, 5, 6, 7, 9, 11, 14 & 15 of the Jamaica Vagrant Act.

AN ACT to amend an Act for the more effectual prevention of Damage from Persons passing over any Wall, Ditch, Hedge or other Inclosure:—Passed 4th September 1834.

Cases of supposed right at least ought to be excepted, and an appeal granted, as in the British Act 7 & 8 Geo. 4, c. 30.

AN ACT for the Regulation of the Public Gaols within these Islands:—Passed 5th September 1834.

The preliminary remarks already made on the Jamaica Prison Act apply generally to this Act; the sanction of the governor to all such rules and regulations ought to be made essential to their validity.

By this Act rules and regulations for the admission of the friends of convicted persons are to be made by the justices at sessions, and approved by the court of general assize; and all additional rules, &c., are to be made by them, and approved by the same authority; provided that such rules, &c., be conformable with this Act. A copy of the rules is to be submitted to the executive, and reports of the state of prisons are to be made to the courts of general assize.

— No. 7. —

No. 7. REMAINDER of ANALYSIS of WEST INDIA LAWS, by *Joseph Beldam*, Esq., referred to in his Evidence of the 5th July 1836.

	Apprentice Population.	Adequate Provision; when declared.
Barbadoes	82,000	13 October 1835.
British Guiana	90,000	5 June 1834.
Mauritius	70,000	31 July 1835.
Antigua	30,000	31 July 1835.
Montserrat	6,000	3 February 1836.
St. Christopher	18,000	31 July 1835.
Nevis	9,000	16 January 1836.
Tortola	5,000	Adequate provision not yet declared.
Dominica	15,000	31 July 1835.
St. Vincent	22,000	20 November 1835.
Grenada	24,000	31 February 1835.
Tobago	13,000	3 February 1836.
Trinidad	23,000	31 July 1835.
St. Lucia	13,000	31 July 1835.
Honduras	2,500	12 August 1835.
Bahamas	9,000	31 July 1835.
Grand Caymanas	1,000	Dependency of Jamaica.
Bermuda	5,000	31 July 1835.
Cape of Good Hope	35,000	31 July 1835.

BARBADOES.

BARBADOES.

No. 1.—AN ACT for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers:—Passed 5th April 1834; allowed 5th June 1834. (Subject to Amendments.)

No. 2.—AN ACT to alter An Act, intituled, &c. (as above); passed 3d November 1834.

No. 3.—AN ACT to repeal certain Clauses of An Act, intituled, &c. (as first above), and to substitute other Clauses in the place of certain of such repealed Clauses:—Passed 19th August 1835. (Left to its operation.)

These Acts have already undergone much revision at the Colonial Office: and, taken together, they may now be considered as embodying the substance of the various amendments required by the despatches printed in the Parliamentary Papers, Part II., pp. 64. 65, &c.

Adequate

Adequate provision was accordingly declared to have been made in this colony by a despatch of the 13th October 1835.

The Government amendments are very important, but they still leave many objections untouched; which is the more to be regretted in a colony where a considerable negro population, divided among an unusual number of poor proprietors, increases the probability of abuse, and requires the strictest enforcement of all the protective provisions of the Imperial Abolition Act.

The present comments will be confined to the objections untouched, or only imperfectly noticed by the Government despatches. Before proceeding to details, it may be observed generally, that the Barbadoes Abolition Acts, even in their amended form, exhibit most of the glaring defects already noticed in the Jamaica Abolition Acts; the same marked inequality is apparent between the coercive and the protective enactments of each colony, the same practical sacrifice is made by both of the rights and privileges of the negroes to the interest or convenience of the planters. Whatever relates to the welfare and protection of the apprentices appears in each to be either scantily provided, or ill secured; while restraints and punishments are multiplied upon them without necessity, and are stretched beyond their due limits. Similar impediments are thrown by both legislatures in the way of compulsory manumission; and a similar appropriation of penal labour, in cases not intended by the Imperial Act, and contrary to sound principle, has been enacted by each for the benefit of the employers, who, through the medium of a constabulary force, subjected to their direction, possess in each colony the same arbitrary powers over the personal freedom and domestic security of their apprentices.

Comments on the Barbadoes Acts.

Barbadoes Acts.—No. 1. (Amended by Acts No. 2, No. 3.)

Sect. 5. As to registration is amended by Act No. 2, s. 4; but in the oath prescribed by the latter, the "year" is omitted in the date.

Sect. 10. It should have been made the duty of the employer to furnish each apprentice, in the first instance, with a written copy of his classification, and of his right of appeal against it; and in case of alteration on appeal, or otherwise, with a certificate of the final entry.

Sect. 13. The distinction, as to period of labour between children under the age of 12, and adults, is retained in the amending Act, No. 3, s. 4. It appears disadvantageous to both parents and children, especially to children, who may be deprived thereby of many opportunities of instruction. If the employment of children be strictly suited to their tender age, no pretext will exist for withholding from them the repose and enjoyment of the Saturday.

Sect. 15. Is repealed by Act No. 3, s. 1. and re-enacted by the same Act, s. 10, with amendments; but no provision is made for remuneration of the labour of apprentices in cases of urgent necessity.

Sect. 18. The unfairness of this mode of valuation is noticed in remarks upon 1st Jamaica Act, ss. 9. 13; and no provision is made for the cases mentioned in Jamaica Act No. 2, ss. 3, 4, and notes thereon.

Sect. 23. The repugnancy of this clause to the Imperial Act is noticed in remarks upon third Jamaica Act, s. 2.

Sects. 24, 25. Section 24 has been repealed by Act No. 3, s. 1, and other provisions substituted by the same Act, s. 5; but provision yet remains to be made for the reunion of families improperly separated, or suffering loss by removal.

Sect. 27. Repealed by Act No. 3, s. 1, and re-enacted with amendments by s. 8, 9 of the same Act. No single justice should have power to defeat the intentions of the Imperial Act, and the specific provisions of the Colonial Acts, by substitutions in such cases. The substitution of "extra time," not "ground," for "provisions" seems to be unwarranted by the Imperial Act. Where changed by the governor, a schedule of the substituted provisions should be published; plantation stores should in all cases be subjected to periodical inspection; and when allowances are reduced in times of scarcity, compensation should be made to the apprentice. The inadequacy of the penalty on employers for default in supplying provisions may be analogically inferred from a comparison of this clause with the Jamaica Slave Act, ss. 12, 13.

Sect. 28. It appears repugnant to the Imperial Act to allot provision-ground to an orphan or illegitimate child incapable of cultivating it, or at any rate by such means to shift the responsibility of supporting a child from the master to a third person. The inadequacy of the penalty inflicted on employers neglecting to supply provision-grounds, or time for cultivating them, may be analogically inferred from a comparison of this clause with the Jamaica Slave Act, sect. 13.

A special justice ought not to have the power of licensing an alteration in the mode of maintaining an apprentice during any current year without his consent, or on some manifest necessity. Where provision-grounds are to be allotted, due notice should be given to the apprentice as well as to the special justice, and seed and instruments of labour, when necessary, should be supplied by the master; the locality of provision-grounds once allotted should not be changed without license; further compensation, where reasonable, beyond the appraised value of crops, should be made to an apprentice dispossessed by legal process; a clause similar to 1st Jamaica Act, s. 47, to prevent the allowance of too many cultivation days in succession, and a penalty in addition to damages on default or refusal, as in 1st Jamaica Act, s. 49, seem necessary.

Sect. 30. The right hereby given to employers, to destroy the stray cattle and other stock of apprentices, is repugnant to the spirit of the Imperial Act. Apprentices in these cases, should be placed on the same footing with free persons, except as regards summary process for damages committed on the cultivated portions of the estate, which process ought to be

allowed likewise against employers and their agents trespassing on the provision-grounds of the apprentice. The wording of the clause appears to assume the employer's right of prohibiting apprentices altogether from possessing live stock.

Sect. 31. If the master be permitted in any case to substitute "other fit and sufficient clothing," the authority of a special justice ought at least to specify the clothing to be substituted; and every such substitution should be entered by him in his journal.

Sect. 32. The substitution of "extra time" for clothing does not seem warranted by the Imperial Act.

Sect. 33. Amended by Act No. 2, s. 5, and by Act No. 3, s. 4; but the right of attending on religious worship on any day during the apprentice's own time, ought to be secured to him, subject only to cases of urgent necessity.

Sect. 34. The word "other" before the word "person," in line 6, should be omitted, in order that medical assistance may be administered to all persons "when necessary." Medical officers, having duties to perform of the greatest importance to the welfare of the apprentices, ought to be specially licensed by the governor for that purpose, and to return a periodical journal to the special justice; and no hospital rules should be valid until sanctioned by the governor.

Sect. 36. A habitation by "day" as well as by "night" ought to be provided, and it should be the periodical duty of the special justice to inspect such habitations.

Sect. 38. The design of the Imperial Act, in respect to the apprenticeship of children, is noticed in remarks upon 1st Jamaica Act, s. 18. The provisos making the misconduct of a child presumptive evidence of its destitution, and compelling all such apprentices to become prædial labourers, are repugnant to the spirit and letter of the Imperial Act, s. 13.

Sect. 41. Sittings of the justices ought to be open to the public. On summary convictions this is allowed in England, and it cannot be less necessary in the colonies.

Sect. 42. No other duties should hinder the special justice from periodically visiting the estates. Constant liability to supervision tends to the discharge of reciprocal duties; and it affords the best practical protection against petty abuses of authority on the part of employers and estate constables, more especially against arbitrary detention and unjust imprisonment; offences likely to be committed with impunity during the prolonged absence of the justice.

Sects. 50, 51. For observations on the power to dismiss frivolous charges, *vide* Comments on Jamaica Abolition Act, No. 1, s. 40.

Sect. 52. "Vexatious and malicious charges" should be applied to such only as are unproved, and without reasonable ground of suspicion. The power hereby given of inflicting unlimited extra labour is repugnant to the Imperial Act.

Sect. 55. To compel an apprentice-complainant to pay the employer for the absence of an apprentice required as a witness under this Act, amounts in any case to a hindrance of justice; but it is especially objectionable where the employer himself happens to be the accused party.

Sect. 57. The rules so substituted should be immediately transmitted, and, if possible, a suspending clause should be added.

Sect. 58. Appropriation of penal labour to the benefit of the master is reprobated in remarks on 1st Jamaica Act, ss. 22. 26. The severity of this clause, connected with that which follows, will appear from the fact, that for a second absence from labour of only a single hour, an apprentice may be deprived of his own time for a longer period than is allowed him by his master for procuring his own subsistence during two whole years; and this in addition to the hardships of imprisonment and penal labour during confinement.

Sect. 59. Compensation to employers for the imprisonment of their apprentices removes the best check on the vindictive feelings of employers: no parallel exists between these cases and those in which the apprenticeship has been voluntarily contracted.

Sects. 60. 63. These clauses exceed in severity the corresponding clause of 1st Jamaica Act, ss. 22. 26.

Sect. 64. Compensation to the master for absent time should be made at the earliest possible period.

Sect. 65. The power hereby given of inflicting unlimited extra labour is repugnant to the Imperial Act.

Sect. 66. This clause is repugnant to the Imperial Act, in extending to the property of any other person than the employer, and in authorizing the infliction of unlimited extra labour. In other respects its penalties are unwarrantably severe (*vide* preceding clause 58), especially when taken in the aggregate and inflicted for injuries, and malicious or merely negligent exposure to injury of property of small value, which would be sufficiently punished, even in cases of actual injury, by payment of damages or costs. The protection hereby extended to the live stock of the employer is in singular contrast with s. 30.

Sect. 67. The punishments inflicted on the majority of the offences herein enumerated are wholly disproportionate; several of the offences, unless committed under peculiar circumstances, can scarcely be considered proper subjects for penal legislation. The punishment for a mere assault, without a blow, is very severe; it ought at least to be open to the legal defences ordinarily available.

Sect. 68. The power of "commuting other punishments for extra labour in the service of the master" is repugnant to the spirit of the Imperial Act: this clause is open to the strongest objections urged against that injurious practice.

Sect. 69. A day of penal labour should be of the same legal length with that of ordinary labour.

Sect. 70. In the last line of the proviso the important word "all," used in the Imperial Act, s. 17, is omitted.

Sect. 71. So strict a tenancy at will seems incompatible with the domestic comfort of the apprentice, and tends to discourage the proper cultivation of provision-grounds.

Sect. 72. The power of inflicting unlimited extra labour is repugnant to the Imperial Act.

Sect. 74. Persons so employed ought not to be worked in chains, nor driven with the whip.

Sect. 75. The power of substituting unlimited punishment at the treadmill for any of the punishments imposed by this Act is repugnant to the Imperial Act. Whether the flogging of females in such places is tolerated here as in Jamaica, deserves further inquiry. *Vide*, on this subject, Parliamentary Papers, Part II., p. 91.

Sect. 76. The slightness of the penalty on force or fraud practised by employers in respect to the time of apprentices, contrasts singularly with the enormous punishment of an apprentice in respect to the time of his employer, *vide* s. 58.

Sects. 79. 85. Contracts for task-work or extra labour ought in all cases to be previously reduced to writing, and to obtain the written sanction of the special justice; or otherwise the clause inflicting penalties, as in the case of ordinary labour, ought not to come into operation. The power of enforcing proportional wages in cases of part-performance of labour should be added, and a power of inflicting penalties on the master for withholding wages seems a necessary counterpoise to the power of inflicting punishment on apprentices for misconduct. Section 83, under colour of giving to the apprentice the English labourer's right of proving on oath the wages due to him, really enables the defendant by an oath to shut out the apprentice's own evidence, and thus in many cases to defeat his claim altogether. In cases of injury to the apprentice, punished by forfeiture to his benefit, equally with the case of wages withheld, the uncontradicted evidence of the apprentice should be deemed sufficient.

Sects. 86, 87. The penalty hereby imposed on injuries inflicted by the employer is extremely inadequate (*vide* opinion of the governor, Parliamentary Papers, Part II., p. 60); and for the generally defective character of these clauses, *vide* remarks on 1st Jamaica Act, s. 49, and Jamaica Slave Code, ss. 31. 33.

Sect. 88. The power hereby given to a court of competent jurisdiction in case of cruelty, ought to be extended to a special justice, or at least to a session of two special justices.

Sect. 89. A verbal notice of an intention to complain is all that can be requisite, and even this might lead to an obstruction of justice.

Sects. 90, 91. An interval of three months ought to be allowed for complaints, and in case of any unavoidable delay, an additional period of one fortnight after its cessation.

Sect. 92. Some ambiguity appears to exist in this clause, but it may be presumed to contain no limitation of the right to proceed in the superior courts of law.

Sect. 93. The power of the ordinary justice should be limited to the absence of a special justice, as in 1st Jamaica Act, s. 32.

Sect. 95. Amended by Act No. 3, s. 11; but the special justice should possess, in the first instance, the power of granting the pass; and *vide*, on this subject, the Trinidad Order in Council, c. 7, s. 4.

Sects. 96, 97. The power of dislodging whole communities should be entrusted to the governor alone. Clause 97 should not be retrospective, and it ought to take effect only after due notice to such communities, and refusal on their part to disperse.

Sect. 101. No evidence of guilty knowledge in the cases of "harbouring or concealing" is required: for the oppressive character of this whole enactment, *vide* the Governor's despatch, Parliamentary Papers, Part II., p. 60; and for its effect on married persons and near relations, *vide* remarks on a similar clause, Jamaica Act No. 2, s. 20.

Sect. 104. Amended by Act No. 3, s. 13. But the amended clause is still open to objection in subjecting merely civil injuries to a special criminal jurisdiction, and it is repugnant to the Imperial Act in authorizing unlimited extra labour.

Sect. 105. The unconstitutional character of a similar enactment respecting fire-arms is noticed in remarks on Jamaica Act No. 1, ss. 33. 35.

Sect. 112. Amended by Act No. 2, s. 7, and likewise by Act No. 3, s. 7. The duty of the constable should be to convey the offender forthwith before a special justice, except under circumstances which would furnish a sufficient cause of delay in case of the arrest of free persons; husbands, wives, children and near relations visiting each other on other plantations, ought not to be deemed "loiterers." Trespassers under this Act should be convicted before special justices only; who should have the power, for reasonable causes, of wholly remitting the fine. A strong objection to making estate constables the mere official agents of the employers has been already taken in remarks on Jamaica Act, No. 1, s. 39.

Appendix (D.) The words of the Imperial Abolition Act, s. 13, are "for the education and religious instruction" &c.; the wording of the Colonial Act appears to exclude "civil" instruction.

BRITISH GUIANA.

AN ORDINANCE for the Classification and Registration of Slaves hereafter to become and be Apprenticed Labourers:—8th February 1834.

It may be remarked that ss. 6. 9, must be considered as having relation only to conflicting claims of compensation, and that the right of the negro to establish his claims to freedom exists during the whole period of his apprenticeship.

AN ORDINANCE for the Government and Regulation of Apprenticed Labourers:—8th March 1834.

This ordinance was allowed by Order in Council of the 5th June 1834, subject to certain amendments which are printed in the Parliamentary Papers, Part II., p. 142.

No. 7. Analysis of Colonial Acts.

BRITISH GUIANA.

Cap. 1, sect. 13. Rules and Regulations of police settlements, forming an important part of the new system, and materially affecting the security and welfare of apprentices, ought to be "immediately" transmitted to the Home Government for approbation.

Cap. 2, sect. 4. *Vide* remarks on 1st Jamaica Act, ss. 53, 54, 55, and Barbadoes Abolition Act, s. 42, as to the necessity of general and frequent visits to estates.

Sect. 7. A similar oath to that prescribed for the chairman, ought to be sent with the duplicate of each special justice.

Sect. 8. For the limitation of power to dismiss complaints, *vide* remarks on Draft General Order, chap. 2, and Jamaica Abolition Act, No. 1, s. 40.

Sect. 15. The power of inflicting unlimited extra labour as a punishment for frivolous, not unproved, complaints is repugnant to the Imperial Act; and would of itself explain much of the apparent content of this colony.

Sect. 22. Rules of judicial procedure ought to be transmitted at the earliest possible period, for the purpose of obtaining the sanction of the Home Government.

Cap. 3, sect. 1: Rule 3d. The power of making frequent changes in the mode of providing maintenance is oppressive.

Rule 6th. The governor's power of substituting provisions should be limited to cases of necessity.

Rule 8th. The power to substitute provisions should at least be confined to the governor as aforesaid.

Rule 9th. The plantation stores should be periodically inspected by the special justices.

Rule 10th. The minimum quantity of provision-ground ought to be stated.

Rule 11th. Seed and utensils ought to be furnished when necessary.

Sect. 2. The maintenance of the apprentices appears to be very inadequately secured by the penalties of this clause.

Sect. 3. The power of substituting other clothing, hereby given to the district sessions, seems objectionable.

Sect. 6. The propriety of making medical attendants responsible to the governor is noticed in remarks on Barbadoes Abolition Act, s. 34. Medical attendance ought to be provided for all apprentices as well in less serious and chronic, as in acute and dangerous diseases; whenever in short a special magistrate shall think it necessary.

Sect. 7. All hospital regulations, forming an important part of the discipline of apprentices, ought to be first sanctioned by the governor.

Cap. 4, sect. 1. Hours of prædial labour should be fixed between sunrise and sunset. It appears, from a proclamation of the governor, dated 5th August 1834, that the seven-and-a-half hours per day system is established in this colony, and that pregnant women, children and aged persons are entitled to the same mitigation of labour as before the abolition of slavery.—*Vide* Royal Gazette, 8th August 1835.

Sect. 7. The power of inflicting unlimited extra labour is repugnant to the Imperial Act.

Sect. 8. Besides the severity of this clause, its extension to the property of other persons than the employer is repugnant to the Imperial Act; and in respect to aggregate punishment, it is open to the objections made to 1st Jamaica Act, s. 30, and to the Barbadoes Abolition Act, No. 1, s. 66.

Sect. 9. This clause seems repugnant to the Imperial Act, s. 20, as it enables the justice to inflict extra labour after the expiration of the apprenticeship, in other cases than the only one therein allowed, namely, for wilful absence.

Sect. 12. This clause is open to several of the objections made to the Barbadoes Abolition Act, s. 67. The convicted persons should at least have been "found abroad" in a state of "drunkenness," or the offence should have been committed in the master's time.

Sect. 14. The appropriation of penal labour to the benefit of the master has been the subject of frequent animadversion, but it appears in this clause to be systematically recommended.

Sect. 15. This power in the hands of a single justice tends to defeat the principal purpose of a special magistracy.—*Vide* remarks on 1st Jamaica Act, s. 49.

Cap. 5, sect. 1. Compensation should be made to the apprentices for over-time in cases of negligence or mistake. To prevent disputes about time, and petty encroachments upon it, a clock might be so placed on every estate as to be distinctly visible or audible to all the apprentices. A time-piece at least should be kept, and be accessible at all reasonable times; and such machines should be subject to be regulated by the special justices, and all falsifications of time visited with a heavy penalty.

Sect. 3 to 12. As to the securities requisite in cases of contract for task-work and extra labour, *vide* remarks on Barbadoes Abolition Act, ss. 79. 85.

Sects. 13, 14. The power which should be given to special justices, in cases of cruelty, is noticed in remarks on Barbadoes Abolition Act, ss. 87, 88; and *vide* on this subject, Jam. Slave Code, ss. 30, 31. 33.

Cap. 6, sect. 1. This clause gives to every negro constable (consequently to every planter and overseer), a power which ought to be exercised only by a special justice of the peace.

Sects. 5, 6. The objectionable character of these enactments is noticed in remarks on 2d Jamaica Act, ss. 18, 19.

Sect. 8. On the subject of the apprenticeship of children, *vide* remarks on 1st Jamaica Act, s. 18.

Sects. 9, 10. At least a period ought to have been fixed beyond which the possession could not be thus summarily disturbed; such clauses, in fact, appear chiefly calculated to perpetuate the servile condition of the negroes.

Cap. 7, sects. 4. 7. The choice of a special justice for this purpose ought to be given to the apprentice; his own free consent should be obtained to the price of manumission, and his right of appeal be independent of the will of the special justice.

Sect. 8.

Sect. 8. Fraud or gross injustice, satisfactorily proved, ought to entitle the apprentice to a new valuation at any period within the original term of apprenticeship.

Sects. 9, 10. These clauses contain direct infringements of the rights of manumission, and are plainly repugnant to the Imperial Act, s. 8.

Sect. 11. This clause appears to admit of unnecessary delay in completing the manumission of the apprentice.

Cap. 8. Some provision should be made for the reunion of families improperly separated, and for the compensation of losses sustained by removal.

Cap. 9. The intentions of the Imperial Act on this subject are noticed in remarks on 1st Jamaica Act, s. 18.

Cap. 10. It is only the right and interest of the employers in the services of apprentices which can be transferred under the Imperial Act, s. 10, which right and interest is expressly limited by s. 9, in the case of attached prædials, to their services on the estate where they had been usually employed previously to the 1st August 1834, or on some other estate in the same colony, belonging to the persons entitled to their services. It is plain, therefore, that no employer can hire out such apprentices to labour on any other estate than his own. If the law, however, had been less explicit in this particular, the unfavourable operation of hiring out such apprentices on the price of free labour, on compulsory manumission, and on the comfort of the negroes themselves, would have furnished sufficient reasons for disallowing it.

Cap. 11. The recital of the Imperial Act, s. 22, is incorrect; the words are "certain," "services," "offices," "franchises," and not "any," such, &c.

Cap. 12, sect. 3. Contains an unnecessary aggravation of punishment: a day's "hard labour," as a penalty, ought not to be prolonged beyond the period of an ordinary day's labour, nor performed between sunset and sunrise: the object of this enactment appears to be, to enable masters to procure labour at periods not otherwise allowed.

By a general circular despatch from Lord Glenelg, dated the 15th June 1835, special commissions of the peace were directed to be withdrawn from persons interested in apprentice property throughout the colonies.

Such commissions were accordingly withdrawn in this colony, by a proclamation of the governor, dated the 8th August 1835.

No new police or vagrant laws appear to have been passed in the colony.

Adequate provision was declared by an Order in Council, of the 5th June 1834, to have been made in this colony.

MAURITIUS.

AN ORDER of the King in Council for giving effect in the Colony of the *Mauritius* to the Statute 3 & 4 Will. 4, c. 73, for the Abolition of Slavery throughout the British Dominions, 17th September 1834.

VARIOUS ordinances appear to have been passed in this colony for the purpose of giving effect to the Imperial Act, and an Order in Council of the 3d August 1835, declares that adequate and satisfactory provision has been made.

The present Order in Council, nevertheless, seems open to most of the objections taken to the Draft General Order in Council, many of which apply with peculiar force (it may be feared) to this unsettled colony.

Cap. 1. *Vide* as to rules and regulations of police establishments, remarks on British Guiana Ordinance, c. 1, s. 13.

Cap. 2. As to the special justices' power of dismissing complaints, ss. 8. 16, and of inflicting unlimited punishment on "frivolous or vexatious" complaints, s. 17, *vide* remarks on Draft General Order, c. 2.

Rules, suspending or altering the judicial procedure of the justices, as prescribed by Order in Council, ought to be immediately transmitted for the approbation of the Home Government. The delegation of the general power of supervision to special justices, who, however impartial as magistrates, cannot be so considered as reporters of their own conduct, seems calculated to remove an essential check against abuse.

Cap. 3. The provisions under this head were quite inadequate to the protection of the rights of an immense number of Africans, well known to have been illegally imported into the colony. It appears from Lord Glenelg's despatch of the 5th August 1835, Parliamentary Papers, Part II., page 214, that the case of a considerable proportion of these slaves has been already satisfactorily provided for; but the provisions of that despatch cannot be carried into efficient operation as it regards other negroes, whose names, appearing in some of the registers, have nevertheless not been "duly registered according to the laws in force in the Mauritius." Justice requires, on behalf of these individuals, the establishment of an impartial tribunal, the appointment of a disinterested public prosecutor, the furnishing of facilities for procuring evidence, and the adoption of equitable rules of presumption. It cannot be admitted, in the meantime, that past decisions are "final and conclusive" (ss. 9 and 12) of the rights of apprentices, or of anything beyond the conflicting claims of planters to compensation.

Cap. 4. The power to substitute clothing and furniture, *vide* s. 14, for the articles already prescribed, should be vested in the governor alone, and exercised only in cases of necessity. For the importance of the duties of medical attendants, *vide* s. 17; and the propriety of making them responsible to the governor, *vide* remarks on Barbadoes Abolition Act, No. 1, s. 34.

No. 7. Analysis of Colonial Acts.

MAURITIUS.

Cap. 5. The penalties under this head, extending in some instances to the unwarranted infliction of unlimited extra labour, appear generally to be too severe to be entrusted to the discretion of a single special justice. The effect of aggregate punishments for comparatively venial offences has been noticed in remarks on Barbadoes Abolition Act, s. 66. The power given in s. 16 to the justices (and even to a single justice) to refer offences cognizable only under this Act to a superior court, seems not only dangerous, but repugnant to the Imperial Act, s. 19, which in such cases preserves the old, but gives no new jurisdiction.

Cap. 6. As to the securities requisite in cases of contract for "task-work" and extra labour, *vide* remarks on Barbadoes Abolition Act, ss. 79. 85. As to cases of cruelty, s. 11, *vide* remarks on Barbadoes Abolition Act, No. 1, ss. 87, 88.

Cap. 7. The objectionable character of ss. 5, 6, 7. 9 (although qualified by s. 8), has been noticed in remarks on 2d Jamaica Act, ss. 18, 19.

Cap. 8. On the subject of manumission by appraisement, *vide* remarks on 1st Jamaica Act, ss. 9. 13, and British Guiana Act, c. 7, ss. 4. 7, 8. 11.

Capita 9, 10, 11, 12 need no particular comment.

ORDINANCE for Declarations and other Acts to be made before the Civil Authorities in the case of Apprentices:—Dated 26th January 1835.

Notes and References.

Articles.

Art. 1. Requires apprentices to be registered in the district.

2, 3. Require the birth of children of apprentices, and deaths of apprentices, to be declared in writing by the master, within one month, under a penalty not exceeding 5 *l.* nor less than 1 *l.*, and directs that these declarations be forwarded monthly to the special justice of the district.

Art. 4. The obstacles to matrimony created by this clause are repugnant alike to the spirit and the letter of the Imperial Abolition Act, which in matters unconnected with apprenticeship service, confers absolute freedom upon the negro. The imperfect character of the marriage laws in the British colonies will form the subject of a distinct analysis.

4. Requires marriages between apprentices to be publicly celebrated by the civil officer at the domicile of one of the parties, with no other previous formality than the written consent of the master or mistress of both apprentices; or on their refusal, without just cause (admitted to be such by the special justice), with the authority of the special justice, to be mentioned in the marriage certificate, and annexed to the register.

When apprentices belong to different sections, the refusal of the special justice of either section shall prevent the marriage.

ORDINANCE for amending the Laws relative to Runaway Slaves:—Dated 26th July 1835.

The preamble recites that the laws relative to runaway slaves should be made applicable to apprentices.

Art. 1. For the arbitrary character of this enactment, and its inconsistency, both with the Imperial Abolition Act and the Draft Circular Order in Council, *vide* notes on Jamaica Abolition Act, No. 1, s. 27.

Art. 1. Enacts that a pass, on going beyond the estate, must be signed by the master or agent, and that it must mention the name of the apprentice, the district or section, the article carried, the place of destination, the period of leaving, the duration of leave, and be moreover subject to any other formalities which the special justice, with the sanction of the governor, may impose.

Art. 2. Enacts that persons holding apprentices shall, within three days, report their absence, under a penalty of 1 *l.* and costs of capture and expenses.

Art. 3. Enacts that apprentices, with such a pass, are not to be arrested unless the person arresting has reason to believe the pass is forged; and in this case he must forthwith conduct the apprentice to his master, or to the special justice, under a penalty not exceeding 1 *l.* sterling, or imprisonment not exceeding one month, and with double punishment for a second offence.

Art. 4. For plundering an apprentice captured inflicts a fine not exceeding 10 *l.* sterling, without prejudice to any indemnity that may be due.

Art. 5. Enacts that an apprentice taken without a pass shall be immediately conducted before the nearest justice, under penalty of loss of benefit of capture and 1 *l.* sterling for every day of detention; and if there be sufficient grounds for deeming such apprentices deserters, vagabonds or runaways, they shall be sent, with the least delay, to the special justice of the district, to be dealt with accordingly.

Notes and References.	*Articles.*
Art. 7. It would be difficult to say what limits this clause was intended to assign.	Art. 7. Enacts that no other measures of violence shall be resorted to in the apprehension of runaway apprentices than those allowed by law in the arrest of felons.
	Art. 9. Retains the chasseurs de police.
	Art. 10. Leaves their discipline to be settled by the chief commissioner of police, with the sanction of the governor.
	Art. 13. Authorizes the chiefs of detachments to exercise the powers of brigadiers of police, in dispersing idle and disorderly meetings, especially on Sundays, for gambling or other irregularities.
	Art. 20. Authorizes any person receiving information of runaways on his property, to go in pursuit of them.
	Art. 21. Fixes the fee for capture at 10 *s.* for an absentee of 30 days, and at 1 *l.* if absent longer.
Art. 22. For the oppressive character of this clause, especially as connected with Art. 7, *vide* remarks on the Jamaica Act in Aid of the Gaol Act.	Art. 22. Authorizes any person to arrest a runaway, and awards him a moiety of the fee.

ORDINANCE respecting Misdemeanors committed by Apprentices:—Passed 12th October 1835.

Ordains that breaches of police laws and regulations committed by slave apprentices are to be heard and determined before the special justices of the section where the offender resides, subject to one or more of the punishments in the Order in Council of 17th December 1834, and the local ordinances of 21st of March last.

A reasonable fine may likewise be inflicted; and the concealment of Maroon apprentices is deemed an infraction of police law.

ORDINANCE for modifying certain Dispositions of the existing Criminal Laws, and adding new Dispositions thereto:—Dated 9th March 1835.

The preamble recites, among other things, the necessity of mitigating the excessive severity of the penal code of the 7th August 1793; of giving greater latitude to the judges in the application of punishment; of modifying some other dispositions of the criminal code, and of amending their insufficiency in matters of great import to public order, especially in what concerns vagrants and vagabonds.

Art. 3. The invidious distinction hereby created between apprentices and other offenders is repugnant to the spirit of the Imperial Act. It seems to admit even of the flogging of female apprentices, when other females could not be subjected to the same punishment.	Art. 3. Enacts, that if the offence therein mentioned be committed by a slave apprentice, flogging may be ordered conjointly with one of the other punishments.
	Art. 5. Declares vagrancy to be a misdemeanor.
Art. 6, 7. The arbitrary character of these vagrant clauses will be seen on reference to the remarks on the disallowed Jamaica Vagrant Act, already printed, and to the British Vagrant Act, 5 Geo. 4, c. 83. The object of such enactments is distinctly stated in the Resumé of the Labour Ordinances.	Art. 6. Defines vagrants or vagabonds to be those who are without any fixed residence, or who have not the means of subsistence and habitually carry on neither trade nor profession. Art. 7. Enacts that vagrants or vagabonds shall be imprisoned, for any time not exceeding six months; and at the expiration of their imprisonment shall be placed at the disposal of the governor, to be employed in the public works until they can satisfactorily prove that they have procured employment or the means of subsistence. Articles 94 and 210 of the Code d'Instruction Criminelle are modified and made applicable to slave apprentices.

ORDINANCE for the purpose of regulating the Internal Order and Discipline of Prisons:—Dated 24th February 1835.

The preamble recites, that the present state of society requires the introduction of fresh regulations on this subject.

Art. 7. Enacts that a prison committee shall be composed of seven persons to be appointed by the governor; but without prejudice to the

No. 7. Analysis of Colonial Acts.

MAURITIUS.

Notes and References. *Articles.*

"Code d'Instruction Criminelle," requiring the inspection and superintendence of prisons.

Art. 8. The committee is to inspect twice a year; the report is to be published in the official gazette, and forwarded to the governor.

Art. 20. Fixes working allowance at 1 ½ lb. of bread or rice, and ½ oz. salt; non-working allowance at 1 ½ lb. of bread or rice, and ½ oz. salt.

The committee may augment, add to, or substitute other articles.

The rules and regulations of this ordinance appear in the main to be excellent; but the constant inspection of the special justices seems highly desirable, if not essential to the prevention of abuses.

ANTIGUA.

ANTIGUA.

THIS colony having resolved to dispense with the apprenticeship system, passed an Act for that purpose on the 4th June 1834, which they accompanied with a "Police Act," a "Wages Act," and an Act for regulating "Contracts;" the last of these was disallowed by a despatch of the 28th February 1835, remarkable for the comprehensive soundness of its principles.

No. 1.—AN ACT for relieving the Slave Population from the Obligations imposed upon them by the recent Act of Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act for the Abolition of Slavery throughout the British Colonies," &c.:—Passed 4th June 1834; confirmed and allowed by Order in Council of the 10th June 1835.

The nature of this Act is explained by its title. The vagueness of its provisions for the future maintenance of the aged and infirm, is the only feature in it that requires comment.

Sect. 2. Confers parochial relief on the enfranchised negroes "on the same footing" as any of His Majesty's other subjects in the colony. It appears from Abolition Paper (Part II. continued, p. 15), that this relief is founded on no "legal right," but is entirely of a benevolent and compassionate character.

Sect. 4. Obliges owners to provide for such negroes as, through disease or mental or bodily infirmity, are incapable of earning their own subsistence, with such maintenance and allowances as they would have been entitled to as slaves, until due and adequate provision be made, either by parochial relief or by some other benevolent and effectual plan, but no longer, under a penalty of 5*l.* for every offence, to be paid, as appears from sect. 6, into the public treasury; and in case of doubt respecting such disease or infirmity, any two of the nearest justices, taking the opinion of a medical man, shall decide peremptorily and conclusively upon it.

Admitting the general mischief of a parochial system, calculated to lessen prudence and forethought on the part of the poor, it is plain that the claims of the diseased victims of slavery, a very numerous class in the colonies, as likewise the claims of aged and infirm negroes recently enfranchised, form an excepted case; yet for the claims of such persons no adequate tribunal, nor any certain or suitable maintenance has been provided, unless the decision of interested magistrates and the allowances of slaves, made contingent on the introduction of some voluntary scheme, and to be enforced at the worst by a trifling penalty of 5*l.* per annum, which goes into the public treasury, can be so considered.

No. 2.—AN ACT for establishing a new System of Police, and for increasing the Power of the Magistracy of this Island in the Appointment of Rural Constables, and for providing and regulating a House of Correction:—Passed 31st July 1834.

This Act being passed for two years only, will soon expire; but as it will probably be re-enacted, and though nominally including all classes, it particularly affects the enfranchised negroes, it comes within the scope of this analysis, and is open to the remarks already made on corresponding enactments in the Jamaica and Barbadoes Police and Vagrant Acts.

The several enactments up to section 13 need no particular observation.

Sect. 13. The remarks already made on the Jamaica Vagrant Act, s. 2, as to "night walkers," and idle and disorderly persons, apply here.

Sect. 14 gives a discretion to police officers, in deciding upon offences, which may be much abused. "Unsuitable" conduct in the street, and playing with bat and ball, are respectively subjected to a penalty of 5*l.*, and on default of immediate payment, to imprisonment in the common gaol for 21 days.

Sect. 15 authorizes the unnecessary destruction of a description of animals commonly belonging to the negro population.

Sect. 23 authorizes the demand of a deposit, which may operate as a denial of justice to the class in the greatest need of protection.

Sect. 26 to 30. These clauses give an unconstitutional influence to owners of estates over the administration as well as the officers of justice; and not only expose it to natural suspicion, but actually endanger its proper exercise.

Sect. 33. Prison discipline, the subject of this clause, forms too important a part of municipal government to be left to the uncontrolled discretion of local magistrates. *Vide* Preliminary Remarks on Jamaica House of Correction Act.

Adequate provision was declared to have been made in this colony by an Order in Council of the 31st July 1835.

MONTSERRAT.

No. 1.—AN ACT for the Abolition of Slavery in this Island:—Passed 30th July 1834.

No. 2.—AN ACT to repeal the Proviso contained in the 4th Clause of (the above Act):—Passed 28th May 1835; allowed 3d February 1836.

The first of these Acts being merely an imperfect transcript of the first 22 sections of the Imperial Act, was of course deemed an insufficient compliance with its provisions. The second Act repeals an objectionable proviso in the first Act. But the first Act, s. 9, still contains an important repugnancy to the Imperial Act, in giving the power of removal to one justice instead of two, as required by the Imperial Act, and this repugnancy is re-enacted in a subsequent Act.

No. 3.—AN ACT for the Classification of Apprenticed Labourers:—Passed 13th October 1834; allowed 3d February 1836.

The imperfection of the machinery of this Act in respect of notice to apprentices, and facilities of appeal, has been already adverted to in the Barbadoes Abolition Act, No. 11, s. 10.

No. 4.—AN ACT for giving to the Special Magistrates Jurisdiction over Apprenticed Labourers, and directing their Mode of Proceeding in the exercise of such Jurisdiction:—Passed 13th October 1834; allowed 3d February 1836.

By this Act the special justices are required to hold a session at home once a week, and to visit estates employing 10 apprentices once a month or oftener. The importance of frequent periodical visits upon estates has been already noticed in comments upon the Barbadoes Abolition Act, No. 1, s. 42; and the punishment of frivolous as contradistinguished from unproved complaints, which punishment in this Act is unlimited, has been already objected to in comments upon the Jamaica Abolition Act, No. 1, s. 40.

No. 6.—AN ACT for the protection and maintenance of Apprenticed Labourers in this Island, and for insuring the punctual discharge by such Apprenticed Labourers of the Services due by them to their Employers, and generally for regulating the Conduct and for the punishment of any Offences committed by such Apprenticed Labourers:—Passed 14th August 1834; allowed 3d February 1836.

Sect. 1. As to compulsory manumission, makes no provision for the case of an apprentice who, during his employer's absence, is under no immediate direction or control. *Vide* on this subject, remarks on Jamaica Abolition Act, No. 2, ss. 3, 4.

Sect. 2. Is repugnant to the Imperial Act, s. 9, in requiring only the consent of one or more special justices to the removal of an apprentice.

Sect. 4. Is open to the objection already taken to the Jamaica Abolition Act, No. 1. s. 16, that it limits the maintenance of the apprentice to the provisions of a single Act, viz. a general Act for the Leeward Caribbee Islands, passed 20th April 1798. This Act is moreover in itself objectionable, in giving to the employers the power to distribute the provisions required by law for any certain number of apprentices, in whatever proportions they may think fit among that number, and likewise in authorizing the diminution of one-fifth of this allowance during crop time.

The remainder of this Act from section 7, is scarcely more than a transcript of the Jamaica Abolition Act, No. 1, from section 22 to the end. The comments already made upon the various clauses of the Jamaica Act may be applied, therefore, to the corresponding clauses of the present Act. It should be remarked, that a clerical omission of the word "not," in s. 30 of this Act, with respect to the allowance of time for the cultivation of provision-grounds, renders it much more objectionable than the corresponding clause of the Jamaica ct. Several additional clauses have provided for a few of the omissions of the first Jamaica Act; but the omissions and defects of that Act, which were remedied or supplied by the second Jamaica Act, ss. 5, 6. 10. 26 and 27, still remain wholly unprovided for in this colony.

A comparison of many of the provisions of the Leeward Islands Act with the corresponding provisions of the Montserrat Abolition Act, will discover various points of inferiority in the latter, as it regards the protection and security of the negroes.

Adequate provision was declared, by an Order in Council of the 3d February 1836, to have been made in this colony.

ST. CHRISTOPHER.

No. 1.—AN ACT for the Abolition of Slavery in this Island, and for the Establishment of a System of Apprenticeship for a limited Time in lieu thereof:—Passed 18th July 1834.

Needs no comment.

No. 2.—AN ACT for prescribing the Powers and Duties of Special Magistrates:—Passed 18th July 1834.

Sect. 3. Apprentices requiring certificates, with a view to ulterior proceedings, ought to be exempted from fees.

Sect. 7. The privileges and protections accorded to ordinary magistrates of the island are not known: they ought to be at least equal to those enjoyed in Great Britain, and *vide* Jamaica Abolition Act, No. 2, ss. 11. 13.

Sects. 8. 15, 16. As to dismissal and punishment of frivolous complaints, *vide* remarks on Draft General Order, c. 2, and Jam. Abolition Act, No. 1, s. 40.

No. 7. Analysis of Colonial Acts.

ST. CHRISTOPHER.

No. 3.—AN ACT to divide Apprenticed Labourers into several Classes:—Passed 18th July 1834.

The imperfection of this machinery, as it respects notices to the apprentice and right of appeal, is alluded to in Barbadoes Abolition Act, s. 10.

No. 4.—AN ACT to provide for Apprenticed Labourers during the Term of their Apprenticeship:—Passed 18th July 1834.

The purposes of this Act are to be effected by the adoption of various clauses of the General Act for the Leeward Caribbee Islands, *vide* Montserrat Abolition Act, No. 6, s. 4, and remarks thereupon. But the employer, with the sanction of the special justice (which ought to be in writing), may make any bargain with the apprentice for a commutation of this allowance.

The authority given by sections 3 and 4 to medical practitioners, makes the remarks in the Barbadoes Abolition Act, No. 1, s. 34, peculiarly applicable here. The application, by s. 5, of the penalties on the non-fulfilment of these duties by the master, leaves the injured apprentice without summary redress under this or any subsequent Act of the colony; and the power of appeal to the next superior court of criminal jurisdiction (the quarter sessions, it may be presumed) is not only repugnant to the Imperial Act, but renders the provision for summary punishment absolutely nugatory.

No. 5.—AN ACT for prescribing the Duties and regulating the Conduct of Apprenticed Labourers within this Island:—Passed 18th July 1834.

Sects. 1, 2, 3. No provision is made by these clauses for preventing the abuse of consecutive labour, and works of necessity are not defined. The accustomed labour should be enforced only so far as it corresponds with the spirit of the Imperial Abolition Act. And the rules authorized by section 3 should be qualified in the same manner.

Sect. 8, and remaining clauses of this Act, exhibit the same improper classification of offences as in other Colonial Acts, and are open to the same general charge of imperfect classification, undue severity, the unlimited infliction of extra labour, and the appropriation of penal labour beyond the purpose of compensation. Among other objectionable clauses not adverted to in the Government despatch, s. 14 demands attention not only on account of its repugnancy to the Imperial Act, with reference to the property of "other persons" than the employers (*vide* remarks on Jamaica Abolition Act, No. 1, s. 30), but on account of the extreme severity of its aggregate punishments.

For the most venial offence therein mentioned the aggregate punishment (composed of any two or more of the punishments mentioned in the clause) may amount to the loss of more than the entire period allowed by masters to their apprentices for procuring their subsistence, during one whole year, in addition to the hardships of imprisonment, flogging, to the extent of 30 lashes, and an unlimited amount of extra labour for the benefit of the master; all of which may be inflicted at the discretion of a single magistrate. Drunkenness, in like manner, s. 18 (not necessarily abroad nor in the master's time), and insolent language (towards "any person whatsoever") may be punished with a week's imprisonment, with hard labour, or with flogging, to the extent of 15 lashes. The latter section is directly repugnant to the Imperial Act.

Sect. 21, including mere attempts or persuasion to neglect duty, carries penal legislation to a fearful extent; and *vide*, on the subject of sheltering absconded apprentices, the remarks already made on Jamaica Abolition Act, No. 2, s. 20.

Sect. 22. As to offensive weapons.—*Vide* remarks on Jamaica Abolition Act, No. 1, ss. 33, 34, 35.

Sect. 24. This clause not being limited to original remedies before the supreme courts allowed by the Imperial Act, s. 19, is repugnant to that section, and to the general spirit of that Act.

Sect. 25. Cases of "urgent necessity," involving such heavy punishment, should be strictly defined.

No. 6.—AN ACT to prescribe the Duties to be performed by Employers towards their Apprenticed Labourers, and to enforce the Performance of the same:—Passed 18th July 1834.

Sect. 4 to 9, and s. 10, as to the securities requisite in the cases of voluntary contracts. *Vide* remarks on the Barbadoes Abolition Act, No. 1, ss. 79 to 85.

Sect. 9. As to the apprenticeship of children, *vide* remarks on the Jamaica Abolition Act, No. 1, ss. 18 and 32.

Sect. 11, 12. The defective character of similar provisions has been already alluded to in remarks on the Barbadoes Abolition Act, No. 1, ss. 86, 87, and more particularly on the Jamaica Abolition Act, No. 1, s. 49.

A comparison of the provisions of this and the preceding Acts with those of the general Leeward Islands' Slave Act above referred to, will show the inferiority of the former in regard to the maintenance and protection of the negroes.

No. 7.—AN ACT to regulate the Removal of Prædial Labourers from one Plantation to another, to establish certain Rules to govern the Sale of the Services of all classes of Apprenticed Labourers, and the disposition thereof by Will, as well as to regulate the Descent of the same in cases of Intestacy:—Passed 18th July 1834.

Sects. 2 and 3 are repugnant to the Imperial Act, s. 9, not only in fettering the privileges of

of reputed relationship among apprentices, in reference to removals, with various unnecessary conditions, but in permitting one special justice, instead of two, to authorize such removals; and s. 3 uses the word "lawful" instead of "reputed," in direct violation of the Imperial Act, s. 10.

No. 7. Analysis of Colonial Acts.

St. Christopher.

No. 8.—An Act for dividing this Island into Districts, and for establishing a sufficient Police within the same:—Passed 31st July 1834; expired 31st July 1835.

Sects. 7 to 10. The power of the master to nominate any apprentices as special constables. The obligation of the apprentices in such capacity to obey his orders at all times, at a salary likewise very disproportionate to the discharge of perpetual duties, and greatly inferior to that of the ordinary police, but subject, nevertheless, for official misconduct, to the same penalties as for the neglect of apprenticeship duties, make these enactments repugnant to justice and to the spirit and intention of the Imperial Act. The remarks already made on Jamaica Abolition Act, s. 39, apply strongly to these clauses.

Sect. 13. As to prison discipline.—*Vide* preliminary remarks on Jamaica House of Correction Act.

This Act expired on 31st July 1835, and does not appear to have been yet revived. It is understood, however, to be still practically in force in the colony.

No. 9.—An Act to punish Apprenticed Labourers for Offences against the Public Welfare:—Passed 18th July 1834.

Sect. 1. As to tumultuous assemblies. *Vide* remarks on Jamaica Abolition Act, No. 1, s. 32.

Sect. 4. As to residence and rights of locomotion. *Vide* provision in Trinidad Order in Council, c. 7, s. 4, and remarks on Jamaica Abolition Act, No. 1, s. 27. The power to convict given by this clause to "any" justice of the peace, is plainly repugnant to the 18th section of the Imperial Act. The special magistrates thereby become merely the registrars of the decision of the ordinary justice. The apprentice appears to be liable to punishment under the provisions of the Vagrant Act of the 29th October 1834.

Sects. 6, 7, 8. As to distinct communities. *Vide* remarks on Jamaica Abolition Act, No. 2, s. 18, 19.

Sects. 9 to 13. The maintenance of negro children by their parents properly belongs to a system of general law, and any exclusive enactments in this case appear to be invidious and unnecessary.

No. 10.—An Act to regulate the Dissolution of Apprenticeship by the voluntary act of the Employer, and to compel such Dissolution in cases where the Labourer is able and willing to purchase his or her Discharge from Apprenticeship:—Passed 18th July 1834.

The remarks already made on valuation in Jamaica Abolition Act, No. 1, s. 9 to 13, appear to apply to this Act.

Sect. 4. The apprentice should have the appointment of his own nominee.

Sects. 5, 6. The limitations on the right of manumission contained in these clauses are repugnant to the Imperial Act, s. 3.

Sect. 9. The rule for payment of expenses is obviously defective and inapplicable to the case most likely to occur, namely, that of a price being fixed between the sums respectively demanded and offered: the rule should have been confined to a certain proportion over or under the sums respectively proposed by the parties.

No. 11.—An Act to extend to the Island of Anguilla the several Acts passed by the Legislative Council of the Island of St. Christopher, &c.:—Passed 18th July 1834.

Needs no comment.

Adequate provision was declared, by an Order in Council of the 31st of July 1835, to have been made in this colony.

NEVIS.

Nevis.

No. 1.—An Act to provide for the Maintenance, Protection, and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates:—Passed 2d August 1834.

No. 2.—An Act to alter and amend an Act entitled (as above):—Passed 16th October 1835.

Various objectionable enactments in the first of these Acts were disallowed by the Home Government, and have since been repealed by the amending Act; but many others appear to have escaped observation, which, together with several clauses in the amending Act, now remain to be briefly noticed.

Act No. 1, sect. 6, is repealed by Act No. 2; and the provision clauses in the General Leeward Islands' Act, already referred to, are substituted for the defects of this Act. *Vide* comments on the Montserrat Abolition Act, No. 6, s. 4.

Sects. 7, 9. The allowance of provision-grounds and of clothing, only the materials of which are to be furnished, appears to be insufficient, and no provision whatever seems to be made for lodging.

No. 7. Analysis of Colonial Acts.

NEVIS.

Sect. 10. The words "being actually employed in his or her service," create exceptions to the protection against cruelty, which ought to be as general as the proviso which follows it.

Sect. 11 to 14. On the subject of contracts; *vide* Barbadoes Abolition Act, s. 79 to 85.

Sect. 15. This clause is repealed by the amending Act, and the consent of two justices to removal is now made necessary; but the conditions set forth in the Imperial Act are not enacted; and no express provision is made for the redress of injuries sustained by improper removal.

Sect. 16 to 18. As to appraisement; *vide* remarks on Jamaica Abolition Act, No. 1, s. 9 to 13, and No. 2, ss. 3, 4. 7.

Sect. 20. The compendious character of this penal clause allows of unnecessary severity in the application of punishments, and is open, moreover, to the charge of appropriating penal labour to the benefit of the master beyond the purpose of compensation.

Sect. 21. *Vide* remarks as to the injurious tendency of exclusive legislation for the maintenance of negro children in the St. Christopher's Act, No. 7, s. 9 to 13.

Sect. 28 to 31. As to the duties of justices, especially as regards visiting estates; *vide* remarks on Jamaica Abolition Act, No. 1, s. 35, and Barbadoes Abolition Act, No. 1, s. 42.

No. 2.—AN ACT to establish a Local Constabulary Force on the several Plantations on this Island:—Passed 18th July 1834; published 2d August 1834.

The abuses of a constabulary force, so constituted, have been fully noticed in remarks on Jamaica Abolition Act, No. 1, ss. 39. 53, 54, 55, and in the St. Christopher's Act, No. 6, ss. 7. 10.

Adequate provision was declared to have been made in this colony, by an Order in Council of the 16th February 1836.

VIRGIN ISLANDS:

TORTOLA.

VIRGIN ISLANDS: TORTOLA.

No. 1.—AN ACT for regulating the Division of Apprenticed Labourers into their respective Classes, and for providing for the Dissolution of the Apprenticeship Contract, or otherwise:—Passed 19th July 1834.

This Act, with the three following, have already undergone the revision of the Colonial Secretary, and their allowance was suspended on the adoption of certain amendments specified in the despatch; many other objections, however, appear to have been overlooked, which will now form the subject of the following comments:

Sect. 2. As to classification, gives neither notice nor appeal to the apprentices. *Vide* remarks on Barbadoes Abolition Act, s. 10.

Sect. 5 to 14. As to compulsory manumission; *vide* remarks on Jamaica Abolition Act, No. 1, s. 9 to 13; and Barbadoes Abolition Act, ss. 18. 23. Sects. 7 and 10, limiting the right of manumission, is repugnant to the Imperial Act. Sect. 8 should give to the apprentice a right to insist on an appraisement, and to appoint his own nominee; and sect. 13 furnishes the same defective rule for expenses as in St. Christopher's Act, No. 10, s. 9.

No. 2.—AN ACT prescribing the Duties of Apprenticed Labourers and Employers respectively, and imposing Penalties on the Non-performance thereof, and providing other Regulations for the Maintenance of good Order:—Passed 19th July 1834.

The peculiarly defective character of this Act called for severe revision; many of its objectionable enactments, unobserved in the Government despatch, will now require a more specific notice. It may be observed, in the meantime, that the Act, generally, is equally open with the other Colonial Acts to the charges of repugnancy, undue severity, misappropriation of penal labour, and the unlimited power of inflicting extra labour.

Sect. 6. Not adverted to in the Government despatch, extends to other property than that of the employer, and is open to the remarks made in Jamaica Abolition Act, No. 1, s. 30: this clause, however, goes much further; for, permitting such property to be injured by another, or even neglecting to report such injury if committed (perhaps no offence at all, and certainly not one of those contemplated by the Abolition Act), may be punished under this clause (as connected with s. 22 of the Act No. 3, allowing compensation to the master for time spent in prison) by a loss to the apprentice of 50 days of his own time, or more than a whole year's allowance of time for cultivating his provision-ground, in addition to the hardship of imprisonment, and to either an unlimited amount of extra labour at the end of the imprisonment, or the infliction of 30 lashes, at the option of the convicting magistrate.

Sect. 7 inflicts the same punishment for neglecting or exposing to injury any property of any other person than the employer, if entrusted to the apprentice's care by the employer.

Sect. 14. As to riot; *vide* remarks on Jamaica Abolition Act, No. 1, s. 32. The firing of a musket by night cannot of itself be a sufficient notice to disperse.

Sect. 15. As to residence and locomotion; *vide* provision in Trinidad Order, c. 7, ss. 1. 4; and Jamaica Abolition Act, No. 1, s. 29.

Sect. 17. As to distinct communities; *vide* remarks on Jamaica Abolition Act, No. 2, ss. 18, 19.

Sect. 19. This clause appears to amount to a total prohibition to keep such live stock as therein mentioned, without the written permission of the employer.

Sects. 23

Sects. 23 and 24. The distinction here taken between apprentices and freemen is repugnant to the general spirit of the Imperial Act; and the cognizance given to the ordinary courts over matters incident to the apprenticeship condition, is repugnant to the 19th section of that Act.

Sect. 26.—"Working in irons" seems objectionable, and scarcely necessary in a small island; and in section 27 the expression "any other punishment" is vague and unlimited.

Sect. 29 to 31. As to medical attendance; *vide* remarks on Barbadoes Abolition Act, ss. 34, 35.

Sect. 32 to 37. The provision made by these clauses for the maintenance and clothing of apprentices appears inadequate; s. 33 fetters the imperfect provision so made with conditions repugnant to the Imperial Act; s. 34 adds provision-grounds, which are nevertheless inadequate; s. 35 makes it optional with the employer to allow any time for their cultivation, and enables him to withdraw both allowance and time, on payment of 1 *s.* 8 *d.* per week; s. 36 enables him to withdraw both on giving an equivalent; s. 37 provides only the materials of clothing, which may be withheld on payment of a penalty of 2 *l.* currency; *vide* remarks on Jamaica Abolition Act, No. 1, s. 49, and the Jamaica Slave Code, ss. 12, 13.

Sect. 39. Authorizes the extension of the hours of labour in certain cases beyond the maximum time allowed by the Imperial Act.

Sect. 42 to 49. As to contracts; *vide* Barbadoes Abolition Act, p. 79 to 85. Compelling specific work or task-work, even during crop, s. 43, is repugnant to the Imperial Act, s. 16.

Sect. 50. The power hereby given to a single justice to refer offences to the grand sessions, is not only dangerous in its tendency, but repugnant to the Imperial Act, s. 19, and the same remarks apply to the power of appeal in clause 51.

Sect. 52. The unqualified authority as evidence given to estate books by this clause, is contrary to the principles of evidence, and repugnant to the spirit of the Imperial Act.

Sect. 53. As to the *ex officio* right and duty of special justices to visit estates, *vide* Barbadoes Abolition Act, s. 42.

Sect. 54. The vaguely comprehensive character of this clause is unworthy of penal legislation; if rigorously enforced, it must lead to great abuse.

Sect. 55. The provisions of this clause are indefinite and unsatisfactory, and the penalty is inadequate.

Sect. 58. The vagueness of this clause renders it liable to great abuse.

No. 3.—An Act for prescribing the Powers and Duties of Special Justices, and for defining the Jurisdiction of the same:—Passed 19th July 1834.

Sect. 1. As to estate constables and imprisonment on estates; *vide* remarks on Jamaica Abolition Act, pp. 39. 53, 54, and Barbadoes Abolition Act, s. 112.

Sect. 3. As to necessity of visiting estates; *vide* Barbadoes Abolition Act, s. 42.

Sect. 5. The right to insist on proceeding should be inserted into all the colonial Acts.

Sect. 6. As to offensive weapons; *vide* remarks on Jamaica Act, No. 1, ss. 33, &c.

Sect. 8. As to the power of reference hereby given to the special justice; *vide* s. 50 of preceding Act.

Sect. 13. An injurious distinction is hereby created between apprentices and other persons.

Sect. 15. To permit the accused party to expurgate himself, or even to be examined on oath, is contrary to British law; and the exclusion of the apprentice in most cases from the benefit of this innovation indicates the *animus* of the whole clause.

Sect. 22. This clause is not only objectionable for the reasons assigned in the Government despatch, but is repugnant to the Imperial Act, s. 16, which applies only to wilful absence.

Sect. 24. This clause is repugnant, not only for the reasons assigned in the despatch, but as creating an invidious distinction between apprentices and other persons.

Sects. 25, 26. On the subject of the protection due to special justices; *vide* remarks on Jamaica Abolition Act, No. 2, ss. 11. 13.

No. 4.—An Act to regulate the removal of Prædial Apprenticed Labourers from one Plantation to another; the Alienation by Sale, Inheritance or Will of the Services of Apprenticed Labourers; the Apprenticeship of Children, &c. &c.:—Passed 19th July 1834.

Sects. 6, 7. As to apprenticeship of children and their indentures; *vide* remarks on Jamaica Abolition Act, No. 1, s. 18.

The amendments proposed by the Home Government not having been yet complied with, no adequate provision has been declared in this colony.

DOMINICA.

No. 1. An Act for registering all Persons actually within this Island on the 1st day of August 1834, and who shall have been duly registered as Slaves, and also for establishing a Classification thereof, &c. &c.:—Passed 19th May 1834.

No. 2.—An Act for the Abolition of Slavery in this Island in consideration of Compensation, and for promoting the Industry of the manumitted Slaves:—Passed 19th May 1834.

No. 7. Analysis of Colonial Acts.

DOMINICA.

No. 3.—AN ACT to give Effect to the 59th Clause of an Act passed the 19th day of May last, &c., and to form efficient Police Establishments, &c. &c.

The Abolition Act was allowed by an Order in Council of the 20th February 1835; but subject, it may be presumed, to the amendments required by Lord Aberdeen in a despatch of the 10th January 1835. This Act corresponds so closely with the Jamaica Abolition Act, No. 1, that a particular repetition of its repugnancies and defects appears to be unnecessary here; they will be found in the comments upon that Act already analysed. It may be remarked, however, of the Act of Dominica, that s. 18, purporting to carry into effect the Imperial Act, s. 11, which enjoins for the apprentices such maintenance and allowances as by any law of the colony they were then entitled to, specifies an Act passed in the year 1826, which is less liberal in several of its provisions than an Act passed on the 28th June 1831, intituled, "An Act to consolidate and amend the Laws relating to Slaves," to the full benefit of which latter Act the apprentices seem now to have an undoubted right.

It may likewise be added, that ss. 53 and 54 of the Abolition Act of Dominica, providing for the maintenance of negro children, are open to the objections already urged against corresponding clauses in the St. Kitt's Act, No. 9, ss. 9—13.

Adequate provision was declared to have been made in this colony, by an Order in Council of the 31st July 1835; but no notice appears to have been taken by the Colonial Legislature of the amendments suggested by Lord Aberdeen, and the repugnancies and defects of the Act No. 2 remain therefore unaltered.

ST. VINCENT.

ST. VINCENT.

No. 1.—AN ACT for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and good Conduct of the manumitted Slaves:—Passed 2d April 1834.

No. 2.—AN ACT to repeal certain Clauses, and to alter and amend, &c. &c.:—Passed 9th September 1835; allowed 20th November 1835.

The defects and repugnancies of the first of these Acts were largely, but still imperfectly, noticed in the despatch printed in the Parliamentary Papers, Part II., p. 161.

The second Act adopts the greater part, but not all the recommendations of this despatch. The two Acts, when taken together, correspond so closely in most respects with the Jamaica Acts, that a particular repetition of the objections urged against those Acts seems needless. They may be applied respectively to the clauses on compulsory manumission, s. 8 to 10; provision-grounds, and time, or other provision in lieu thereof, s. 15 to 18; apprenticeship of children, s. 25; duties of special justices and estate constables, s. 28 to 31; imprisonment on estates, s. 32; summary trials, absence, vagrancy, harbouring deserters, s. 34 to 40; injuries to property of any other person than the employer, and drunkenness, s. 42 to 45; inferior misdemeanors, and unlimited punishment, s. 46; contracts, s. 48 to 50; apprentice-complaints, s. 51; riots, s. 52; offensive weapons, ss. 53. 55; distinct communities, s. 58. The whole of these clauses are open to the general charge of imperfect classification, repugnant powers, undue severity, and misappropriation of penal labour. A few brief remarks upon several unnoticed clauses may be added to these general objections, and to the voluminous comments of the Colonial Secretary.

Sect. 14. If intended to extend the labour of watchmen and other servants beyond the period of 45 hours per week, is repugnant to the Imperial Act, s. 5.

Sect. 19. The substitution of clothes, of merely equivalent value, without the consent of the apprentice, or the written sanction of a special justice, is objectionable. The amending Act makes no provision, in compliance with the Government despatch, for children between the ages of five and twelve.

Sect. 20. The attendance of a medical practitioner, in cases of necessity, should be made imperative.

Sect. 26. As to maintenance of negro children; *vide* remarks in St. Christopher's Act, No. 7, ss. 9. 13.

Sect. 39, as to wandering beyond the limits of the plantation, was disapproved by the Government despatch, but remains unaltered by the amending Act; and it may be here remarked, that the 14th section of the amending Act puts an unjust restraint upon the liberty of the apprentice.

Sect. 42, for ill using or exposing property of other persons than the employer, and for contumaciously disobeying the employer, inflicts a like enormous punishment, as in the corresponding cases in the St. Kitt's Act, No. 5, s. 14. The objection with regard to the property of "other persons" was taken by the Government despatch; the amending Act, however, makes no alteration, except to give the justice the option to transfer such offences to the grand sessions of the peace, which would be still more repugnant to the spirit of the Imperial Act.

Sect. 45. This clause is modified by the amending Act, s. 10, into an enactment, that no employer shall inflict corporal punishment on any male apprenticed labourer. If the ambiguity of this language did not seem to tolerate the whipping of females, it would at least appear to sanction the employer in the punishment of males by any other means than those expressly prohibited.

Sect. 46. This clause, as modified by the amending Act, s. 11, is still repugnant to the Imperial

Imperial Act, in authorizing the infliction of an unlimited amount of extra labour, besides flogging to the extent of 50 stripes or three months' imprisonment, for indolence or neglect or improper performance of work.

Sect. 56. In addition to the objections urged against this clause in the Government despatch, it appears to give a jurisdiction to the general magistrate, over offences incident to the apprenticeship condition, and is, therefore, repugnant to the Imperial Act, s. 19. The amending Act, s. 13, does not adequately comply with the Government recommendations, especially as regards unlawful compacts.

Sect. 62. The 13th section of the amending Act, which modifies this clause, prohibits the sale by apprentices, among themselves, of firewood and charcoal. Enactments of this description are at best of very doubtful policy.

Sect. 65. Inflicting heavy penalties on special justices for declining to proceed with charges brought by the employers against their apprentices, is in singular contrast with the power of inflicting heavy punishments on apprentices for making frivolous complaints against their employers.

No. 3.—An Act to provide for the General Registration of all Slaves belonging to or settled in these Islands:—Passed 19th May 1834.

This Act omits the classification of apprentices, and is, therefore, useless for the purposes intended by the Imperial Act, s. 4.

No. 4.—An Act for establishing a Police for the Regulation of Apprenticed Labourers, and for carrying into effect certain Provisions of an Act, intituled, "An Act for the Abolition of Slavery in the Island of St. Vincent," &c.:—Passed 23d June 1834.

No. 5.—An Act to repeal the 21st and 22d Clauses of an Act, &c., &c.:—Passed 29th December 1834.

A portion of this Act is devoted to supplementary enactments respecting the duties of special justices, which may be referred to the general observations already made under that head. The propriety of submitting the discipline of prisons and other places of confinement to a higher authority than that of the local magistrates has already been insisted on in the preliminary remarks to the Jamaica House of Correction Act.

Adequate provision was declared to have been made in this colony, by an Order in Council of the 20th November 1835.

GRENADA.

No. 1.—An Act for carrying into effect the Provisions of an Act of the Imperial Parliament for the Abolition of Slavery throughout the British Colonies:—Passed 8th March 1834.

No. 2.—An Act to alter and amend an Act for carrying into effect the Provisions of an Act of the Imperial Parliament for the Abolition of Slavery throughout the British Colonies, &c:—Passed 1st August 1834.

No. 3.—An Act to amend An Act, intituled "An Act for carrying into effect the Provisions of An Act of the Imperial Parliament, for the Abolition of Slavery throughout the British Colonies," &c.:—Passed 29th December 1834.

The first of these Acts has undergone considerable amendments by the two amending Acts which follow it.

It still appears, however, to be very imperfect, and in addition to the general objections which have been urged against corresponding clauses in preceding colonial Acts, it will require a specific notice of various objectionable enactments.

Act No. 1, sect. 5. For the necessity of frequently visiting estates; *vide* remarks on Barbadoes Abolition Act 1, s. 42.

Sect. 18. Apprentices requiring copies for legal purposes, should be exempted from fees.

Sect. 37. As to registration; *vide* remarks on Barbadoes Abolition Act, s. 10.

Sects. 47, 48. Altered by Act No. 3, ss. 2, 3, 4. The clauses thus altered are more unsatisfactory than before: it was requisite to give the power of increasing the specified quantities in case of their proving insufficient; the alteration practically reduces the ordinary allowance below the specified quantities, and by making them the standard of sufficiency, prevents the possibility of their being compulsorily increased.

Sect. 51. The time employed in going to afternoon work must be added to the day's labour, which makes it amount to 9 ½ hours per day, or 47 ½ per week.

Sect. 52. The effects of this clause (added to the power of inflicting extra labour,) will be, to enable the employer to work his apprentice 42 hours in succession, or six nights of eight hours each, and a whole day in each week, allowing only intervals at meals. Steps should be immediately taken to prevent the possibility of so great an abuse.

Sect. 53. Medical assistance should be made imperative in cases of necessity.

Sect. 58. Neglecting or exposing the cattle or other property of other persons than the employer may be punished with one month's imprisonment, hard labour, 30 stripes, and an

 indefinite

No. 7. Analysis of Colonial Acts.

GRENADA.

indefinite amount of extra labour for the benefit of the employer when the imprisonment ends. The aggregate of such enormous penalties has been already stated in the St. Kitt's Act, No. 5, s. 14. This clause exhibits, moreover, nearly all the abuses of penal legislation adverted to in that Act.

Sect. 62. This clause should have limited the whole duty to 45 hours in the week and to a certain number of nights in succession.

Sect. 67, 75. The power of referring to a superior court is certainly dangerous, and seems repugnant to the Imperial Act, s. 19.

Sect. 72. As to the necessity of written contracts where penalties are imposed; *vide* remarks on Barbadoes Abolition Act, s. 72.

Sect. 74. The penalties in this clause are inadequate.

Sect. 79. As to distinct communities; *vide* Jamaica Abolition Act, No. 2, ss. 18, 19.

Sect. 81 to 84. As to maintenance of negro children; *vide* remarks on St. Christopher's Act, No. 9, ss. 9 to 13.

Sect. 85 to 86. Some length of possession ought to exempt from penalty.

Sect. 91 to 96. Amended by Act No. 2, s. 14 to 21, is still open to remarks on Jamaica Abolition Act, No 1, s. 18.

Sect. 99. As to apprenticeship of children, is open to remarks on Jamaica Abolition Act, No. 1, s. 18.

Sect. 105. The Imperial Act, s. 21, makes no exception of classes as to the right of attending on religious worship; this clause is therefore repugnant to it.

Sect. 106. Satisfaction should follow the offence as speedily as possible; if it be left to the justices to award satisfaction, a table of damages should be provided, and the imprisonment should correspond with the damages awarded.

Sect. 109. The right of attending religious worship, should have been reserved in this clause.

Act No. 2, authorizes the governor to appoint special justices to act with the stipendiary magistrates under the Imperial Act. The General Circular Dispatch of the 15th June 1835 will now prevent the appointment under this Act of persons interested in apprenticeship property.

Adequate provision was declared by an Order in Council of the 31st July 1835.

TOBAGO.

TOBAGO.

No. 1.—AN ACT to carry into effect the Provisions of An Act of the Imperial Parliament of Great Britain and Ireland, intituled, "An Act for the Abolition of Slavery throughout the British Colonies," &c.:—Passed 2d May 1834.

No. 2.—AN ACT to amend An Act, &c. (see preceding Title, No. 1):—Passed 29th May 1834.

No. 3.—AN ACT to amend An Act, intituled, &c. (see Title of Act No. 1):—Passed 29th August 1835; allowed 13th April 1836.

These Acts, taken together, may be considered as embodying the recommendations of the Colonial Secretary, with one important exception, which leaves the apprentice without redress in cases of personal injuries.

They still exhibit, however, most of the defects already noticed in corresponding clauses of other colonial Acts. Some of these defects will now require a more specific comment.

Sect. 5 to 9. As to defects in the machinery of compulsory manumission; *vide* remarks on Jamaica Abolition Act, No. 1, ss. 9, 13.

Sects. 10. 14. 17. "Or such other food as their ages and state of health may require," is much too indefinite, and would scarcely admit of a penalty being applied.

As to masters shifting the responsibility of maintaining illegitimate and orphan children, and as to unnecessarily frequent changes of provision grounds, *vide* remarks on Barbadoes Abolition Act, s. 28.

Sect. 13. The forfeiture inflicted by this clause, in case of non-compliance with the order of maintenance, should go to the apprentice, who is otherwise without redress.

Sects. 20. 25. As to absence, and other apprenticeship offences, with the power of unlimited punishment; *vide* remarks on Jamaica Abolition Act, No. 1, ss. 22. 26. 44. The power of inflicting aggregate punishments renders s. 24 unwarrantably severe.

Sect. 26. As to consecutive night-work; *vide* remarks on Grenada Act, No. 1, s. 62.

Sect. 30. This clause being repealed by the amending Act, No. 3, and no other substituted for it, no punishment is now provided for the personal ill-treatment of the apprentice.

Sect. 34. The Imperial Act, s. 21, makes no exception, as in this clause, to the general right of attending at religious worship at reasonable times and places.

Sect. 36 to 43. As to the securities requisite in cases of contract; *vide* remarks on Barbadoes Act, ss. 79. 85.

Sects. 45 to 48. As to the necessity of special justices frequently visiting estates; *vide* Barbadoes Abolition Act, s. 42. The previous notice hereby required to be given, if made essential in all cases, seems calculated to frustrate much of the benefit those clauses are otherwise calculated to produce.

Sect. 49. The obstruction of apprentices desirous of making complaints is clearly an

apprenticeship

apprenticeship case, and its reference to the Court of King's Bench, to the exclusion of the special justice is repugnant to the Imperial Act, s. 19.

Sect. 50. Estate prisons should be first examined and approved by the special justice.

Sect. 54. The prohibition to make personal complaint to any other person than the special justice (the governor not excepted) is an obvious infringement of British liberty, and is, moreover, repugnant to the Imperial Act.

Sect. 60. 62. As to estate constables, imprisonment on estates and tumultuous assemblies: *vide* Jamaica Act, No. 1, ss. 32 and 39.

Sects. 67. 72. As to parents and other near relatives harbouring runaways; *vide* remarks on Jamaica Abolition Act, No. 2, s. 20.

Sect. 74. The unlimited period during which the apprenticeship may possibly be extended by this clause on the expiration of the original term, is repugnant to the Imperial Act, s. 20.

Sect. 77. As to offensive weapons; *vide* remarks on Jamaica Abolition Act, No. 1, ss. 33. 35.

Sect. 80. A special enactment of this kind, conferring no rights which are not incidental to freedom, seems designed to limit the exercise of those rights. As the clause now stands, it seems doubtful whether the right to cultivate hired land is not intended to be placed under some kind of restriction.

Sect. 83. As to the apprenticeship and indenture of children; *vide* remarks on Jamaica Abolition Act, No. 1, s. 18. This clause does expressly limit the term to the age of 21 years, and the language seems intended to exclude the benefit of general education.

AN ACT to establish certain Rules and Regulations for the Classification of those Persons hereafter to become Apprenticed Labourers, and for ascertaining to which class they shall respectively belong:—Passed 15th July 1834.

The comments already made on registration and classification in the Barbadoes Abolition Act, s. 4 to 10, render further notice unnecessary here.

ACT No. 3.—AN ACT to authorise the temporary Appointment of Special Magistrates, for the purpose of giving Effect to the Provisions of An Act of the Legislature of this Island, intituled, "An Act to carry into Effect the Provisions of the Imperial Act for the Abolition of Slavery," &c.:—Passed 29th July 1834.

By a general circular despatch from Lord Glenelg, dated the 15th June 1835, special commissions of the peace were ordered to be withdrawn from all persons interested in apprenticeship property.

Adequate provision was declared to have been made in this colony by an Order in Council of the 3d of February 1836.

TRINIDAD.

AN ORDINANCE for the purpose of carrying into effect the Division of Apprenticed Labourers into Classes, as prescribed and required by the Act of the Imperial Parliament, passed on the 28th August 1833, for the Abolition of Slavery throughout the British Colonies:—Passed 24th December 1833.

The remarks above made on the Tobago Act, for the same purpose, apply here.

Fees for certificates ought not to be demanded of apprenticed labourers.

ORDER IN COUNCIL, dated 5th June 1834, for giving effect, in the Island of Trinidad, to the Statute 3 & 4 Will. IV., c. 73, for the Abolition of Slavery.

This Order in Council appears to be the same, in all material respects, with that of the Mauritius, except in regard to food and clothing, which remain as settled by Sir Lewis Grant's Proclamation of the 5th June 1833.

No ordinance was passed in this colony, but a report was made upon the model draft sent out, and several of the suggestions of this report are embodied in the Order in Council. The objections taken to the Mauritius ordinance will for the most part apply here.

RULES AND REGULATIONS for fixing Time to be allowed to Apprenticed Labourers for the Cultivation of their Grounds, and for appointing their Hours of Labour:—Passed in Council, 3d July 1834.

Regulation 1. A minimum as well a maximum time for the cultivation of provision-grounds ought to be fixed, and as to further security, *vide* remarks on 1st Jamaica Act, s. 47.

Regulation 2. The preceding regulation having ascertained the time requisite for the cultivation of half an acre of ground, it seems repugnant to the Imperial Act to allow a less quantity of time for the same quantity of land, which is done by this regulation.

Regulation 4. This regulation enables the employer to take either 7½ hours per day, making six days of labour, and thus leaving no whole day for market or for leisure; or to take 12 hours per day, the day to be reckoned from six o'clock in the morning until six o'clock in the following morning. In the latter case, by connecting one day's labour with another, and adding 15 hours per week of penal labour, the employer is enabled to work his apprentice incessantly from nine o'clock in the morning of Monday until 12 o'clock at noon on Wednesday, a period of 51 hours, with no other intervals than those allowed for meals,

which are likewise, both as to the time of day and as to duration, left to the discretion of the employer, subject only, in case of dispute, to the decision of a special magistrate. Such a regulation ought not to be allowed; one whole day of repose per week ought to be secured to the apprentice. The hours of labour should be fixed between sunrise and sunset, as in the case of field labour, 2d Jamaica Act, ss. 5, 6; and penal labour should be so applied as never to interfere with a certain number of hours of consecutive repose.

The last clause of the regulation, while exempting apprentices from Sunday labour, excepts persons attending on the sick, or as watchmen; cases which do not appear to come within the exceptions of the Imperial Act, s. 21. Duties of absolute necessity should be strictly defined.

RULES AND REGULATIONS for the Procedure of Special Justices, in case of Complaints for Non-performance of Work by Apprenticed Labourers:—Passed in Council, 31st July 1834.

Special Justices are enabled by this ordinance to decide summarily in cases of indolence and neglect, or non-performance or mis-performance of work, and to record the particulars and the decision within three days. Considering the extreme severity of the penalties on various offences included in these rules, and the haste with which they are likely to be decided, the smallest check upon improper judgments would be a record, or at least minutes thereof, made at the time of the decision.

Adequate provision was declared, by an Order in Council of the 31st July 1835, to have been made in this colony.

ST. LUCIA.

ST. LUCIA.

ORDER IN COUNCIL, dated 5th June 1834, for giving effect in the Island of St. Lucia, to the Statute 3 & 4 Will. 4, c. 73, for the Abolition of Slavery.

This order is the same in all material respects, except food and clothing, with that of the Mauritius, it therefore needs no further comment.

No general ordinance adopting the provisions of the Order in Council has been passed in this colony, but various supplementary documents have been published.

A PROCLAMATION dividing the Island of St. Lucia into three Judicial Districts, and defining the limits of the said District:—Dated 1st August 1834.

Needs no comment.

AN ORDINANCE for fixing and determining the Number of Hours per Week which shall be allotted to Prædial Apprentices for the cultivation of their Provision-Grounds; and also for regulating the appointment of the 45 Hours per Week, during which Prædial Apprenticed Labourers are required by law to work for the benefit of their Employers:—Passed 1st August 1834.

By section 2 of this Ordinance, an apprentice may be employed 12 hours per day in manufacturing labour, and the day for that species of labour is to include the 24 hours.

It may suffice to remark, that the effect of this ordinance, in connexion with the power of inflicting 15 hours per week of extra labour, is to enable the employer to work his apprentices in the manufacturing procees for 51 hours in succession, or 6 nights of 8½ hours each, and a half-day in each week and during the whole period; the apprentices are liable to all the penalties of indolence, neglect, and other misconduct set forth in cap. 5 of the Order in Council. Immediate steps should be taken to prevent the possibility of so great an abuse, and likewise to provide proper intervals for meals.

AN ORDINANCE for providing for the acquiescence of the Minority of the Prædial Apprenticed Labourers in the appointment of Task-work, and also, providing for the Compensation compellable from Apprenticed Labourers absenting themselves from the service of their Employers:—Passed 18th August 1834.

The remarks already made on contracts generally, *vide* Barbadoes Abolition Act, s. 79 to 85, apply to this ordinance. A clerical omission of the words "or otherwise" occurs in line 8 of section 2 respecting absence. The infliction of the same penalties on apprentices, during a period of prolonged apprenticeship, requires, of course, that in that future period they should enjoy the same protection. The propriety of investing any single justice with the formidable power of imposing a fresh apprenticeship may be greatly doubted.

AN ORDINANCE for providing for the acquiescence of Prædial Apprenticed Labourers in the appointment to Task-work, &c. &c.:—Passed 18th August 1834.

This Ordinance appears to comply with the terms of the Imperial Act, except in enabling the majority of the apprentices, not only to bind the whole body to the performance of certain labour, but likewise to stipulate for specific penalties on non-performance thereof. The latter power is not included in the former, and it may be much abused.

Adequate provision was declared by an Order in Council of the 31st July 1835 to have been made in this colony.

HONDURAS.

A FEW remarks appear necessary on the anomalous character of the legislative provisions for this colony.

Information received by His Majesty's Government of the peculiarly easy character of slavery in this colony, connected with other local reasons, induced the then existing Administration to supersede the ordinary methods of procedure, and in seeming contravention of the 23d section of the Imperial Act, which requires that all substitutions for that Act shall accomplish its several objects "as fully and to the like effect;" an apprenticeship system was introduced into this colony which adopts all the coercive and restrictive provisions of the Trinidad Order, but rejects, as unnecessary, nearly all its protective provisions.

ORDER IN COUNCIL for establishing a Registry of Slaves:—Dated 24th January 1834.

This Order is open to remarks on the same subject in Barbadoes Abolition Act, sect. 4 to 10.

Here no right of appeal is given, and no compensation for wrongful registration.

ORDER IN COUNCIL, dated 5th June 1834, for giving effect in the Island of Honduras to the Statute 3 & 4 Will. 4, c. 73, for the Abolition of Slavery.

This Order extends the Trinidad Order in Council to this colony, and authorizes the superintendent of the colony to suspend or adapt any part thereof to the circumstances of the colony, so as the same be not repugnant to the Imperial Act; but subject to His Majesty's approbation.

DOCUMENT showing the Alterations which His Majesty's Superintendent has deemed it necessary to make in the Rules and Regulations under the Slave Abolition Act, which have been made by His Majesty in Council for the Island of Trinidad.

Among other alterations introduced by this document are the following:

Cap. 3. On classification of labourers; constitutes a bench of magistrates a court of appeal.

Cap. 4. Suspends *in toto* the provisions as to food, clothing, lodging and labour, and also medical attendance, except as therein mentioned, upon the understanding that arrangements as to those matters shall continue as before.

Cap. 5. Adopts without mitigation the penalties for breach of duties committed by apprentices.

Cap. 6. Suspends *in toto* the penalties on masters for neglect of food, clothing and labour, on the "understanding" that such offences will still be open to the examination and decision of the special magistrates, who, it appears, are appointed by the superintendent from among the colonial residents.

Cap. 8. Substitutes for the office of "chief judge," not the superintendent himself as His Majesty's representative, but a bench of magistrates; and for the "supreme civil court," a court of proprietors, called the grand court, who are to decide in all cases of dispute respecting manumission.

Such a tribunal, enforcing the enormous prices demanded generally by proprietors in this colony, amounts virtually to a suspension of the right of compulsory manumission.

The Trinidad Order, thus mutilated, was sanctioned as a law for this colony by an Order in Council of the 12th August 1835.

So far, however, from its securing the rights and privileges of the apprentices, while enforcing their obligations, as had been recommended by the then Colonial Secretary, it adds to the rigors of the latter, while it studiously withholds all substantial securities for the former; a species of reciprocity which is certainly all on one side. If under such a system the negroes pass a comfortable servitude, the circumstances may be attributed perhaps, to the moderation naturally suggested by the facilities of escape into the neighbouring republics.

It may be proper here to notice a supposed *casus omissus* in the 3d section of the Imperial Abolition Act, with the opinion upon it of Mr. Stanley, the then Colonial Secretary, as it appears in the Parliamentary Papers, Part II., p. 235. That opinion decides, that a slave arrived in Great Britain or Ireland subsequently to the 28th August 1833, and previously to the 1st August 1834, would not be entitled to freedom.

The justice and propriety of this decision are doubted, for the following reasons:

The Imperial Abolition Act is a remedial measure, and entitled to a liberal construction. The spirit and not the letter, where an apparent discrepancy exists between them, must determine the sense; and in doubtful questions between two rights of unequal value, the superior right must be preferred. The spirit of this clause is, that a certain class of negroes, under circumstances therein described, shall, during the whole of a certain period therein mentioned, become and be entitled to absolute freedom.

It is not a question about names, but about persons and about time; and the decision as to time appears to settle the question as to persons. Now the period during which this clause is made to operate extends over all anterior time, up to the 28th August 1833, and from that period over all subsequent time down to the expiration of the apprenticeship system. There is, therefore, no *casus omissus* as to time, and consequently none as to operation; but the same operation continues during one entire period, not admitting a moment's intermission or suspense. Now a continued operation of this kind supposes an equally continuous recipient; but if during the interval between the 28th August 1833 and

No. 7. Analysis of Colonial Acts.

HONDURAS.

the 1st August 1834 the negroes were not entitled to receive this benefit, the operation of the clause was suspended during that period, which is contrary to the assumed sense of the clause. In support of this reasoning either a misnomer or a clerical error may be fairly inferred; the name "apprenticed labourers" may be presumed to have been antedated, either through some alteration in the original date of the clause, or more probably through mere inadvertence; and that such is a fair inference is confirmed by the absence of any sufficient practical reason for the exception; for an attempt on the part of the owner to shift the liability of future maintenance during this interval by an indirect method of manumission, the only practical mischief to be apprehended, would no doubt have been deemed an evasion of colonial laws, and not less certainly would it have occasioned him the loss of compensation. It may, indeed, be taken as a settled rule of construction in cases of this description, that where the general intention is clear, its integrity must be preserved, if necessary, at the expense of a particular provision, apparently repugnant to it; much more where the particular provision admits of a reconciliation with the general intention, must that construction be adopted which leaves no part of the enactment unfulfilled.

If these reasons should be considered satisfactory, is it too much to hope that negroes of this class throughout the colonies will obtain their liberty immediately?

Adequate provision was declared by an Order in Council the 12th August 1835 to have been made in this colony.

BAHAMAS.

BAHAMAS.

AN ACT to revive and continue, with certain Alterations and Additions, An Act, intituled, "An Act to establish a Triennial Registration of Slaves in the Bahama Islands, and for other Purposes:"—Passed 5th February 1334.

This Act is open to the objections already taken to other Acts for similar purposes, viz. that it affords no redress to apprentices in cases of wrongful classification.

No. 1.—AN ACT auxiliary to an Act of Imperial Parliament, intituled, "An Act for the Abolition of Slavery throughout the British Colonies," &c. &c.:—Passed 15th February 1834.

No. 2.—AN ACT to amend an Act of the General Assembly of these Islands, intituled, "An Act auxiliary to the Act of the Imperial Parliament for the Abolition of Slavery throughout the British Colonies," &c. &c.:—Passed 6th October 1834.

No. 3.—AN ACT to explain and amend certain Parts of the 4th Will. IV., c. 21, intituled, "An Act auxiliary to an Act of the Imperial Parliament, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies,'" &c.:—Passed 11th May 1835.

The first of these Acts, though much amended by the two succeeding Acts and exhibiting a greater degree of liberality than most of the other Colonial Acts, is still open to serious objections.

Various clauses, which appear to have hitherto escaped the observation of the Home Government, require to be briefly noticed.

Act No. 1.—Sect. 1 repeals all usages for the regulation or protection of slaves. This clause appears open to the objections noticed in Jamaica Act, No. 1, s. 16.

Sect. 10. The principle of this clause is excellent; but damages ought to extend to the whole of the injury sustained.

Sect. 12. As to compulsory manumission, amended by Act No. 2, s. 9; but insufficiently. *Vide* remarks on Jamaica Act, No. 1, s. 9—13.

Sect. 16. The limitation in this clause to the age of 14 years seems repugnant to the Imperial Act, s. 16.

Sect. 17. The maximum period of consecutive labour between meals should be fixed.

Sect. 20. As to domestics, in respect of food, the power of providing a proper equivalent is too vague; the written sanction of a special justice ought to be added. No time is fixed for the cultivation of provision-ground. *Vide* remarks on Jamaica Act, No. 1, s. 47.

Sect. 21. Proper and sufficient clothing is indefinite; the articles should be specified.

Sect. 22. This humane clause is incomplete; medicines are to be furnished, but not medical attendance. This appears to have been common under the old system, but the Imperial Act, s. 16, requires both.

Sects. 32. 35. The extreme severity of similar clauses has been already noticed in most of the Colonial Acts, as it regards mere negligence. *Vide* remarks on Tortola Act, No. 2, s. 6. And the unlimited infliction of extra labour has been frequently observed to be repugnant to the Imperial Act.

Sect. 39 is objectionable, not only on account of its general severity, but in giving to the special justices the power of inflicting unlimited extra labour as aforesaid.

Sect. 40. This clause is repugnant to the Imperial Act, s. 20, which enables the apprentice to make compensation at any time during the apprenticeship.

Sects. 42. 44. As to riots and distinct communities. *Vide* remarks on Jamaica Abolition Act, No. 1, s. 32. Act No. 2, ss. 18 and 19.

Sect. 45. The confirmation of the governor seems to interpose unnecessary delay in cases of compensation to apprentices.

Sect.

Sect. 47. As to the effect of this clause upon parents and other near relatives, *vide* remarks on Jamaica Act, No. 2, s. 20; the latter part of the clause, relating to accessaries after the fact, is repugnant to British law, and may be productive of great injustice.

Sect. 48. Amended by Act No. 2, s. 1, is still inadequate, as it provides no compensation to the injured apprentice.

Sect. 49. The important question of marriage requires separate consideration: this clause, as altered by Act No. 2, s. 6, is very inadequate.

Sect. 50. Amended by Act No. 2, s. 7, is still very objectionable; it may operate as a denial of justice to apprentices suing or prosecuting, especially if the complaint be against their own masters.

Sect. 51. Amended by Act No. 2, s. 12, is still objectionable, as it excludes apprentices from various appointments, beneficial to them and not injurious to society.

Sect. 52. Amended as to absence by Act No. 2, s. 18, is still objectionable; it ought to comply with the Trinidad Order in Council, c. 7, s. 4. *Vide* remarks on Jamaica Abolition Act, No. 1, s. 27.

Sect. 60. As to the protection of special justices. *Vide* remarks on Jamaica Act, No. 2, s. 11—13.

Sect. 61. The objections to exclusive laws in the maintenance of children, has been already noticed in remarks on St. Kitt's Act, No. 9, ss. 9. 13.

Sect. 63. Amended by Act No. 9, s. 2; but still defective as respects notice to apprentices and period of appeal.

Sect. 64. The arbitrary character of such police regulations is noticed in remarks on Jamaica Vagrant Act, s. 2. Here the hardship is greater, as labour may be prolonged in all cases until sunset: and the provision of the Vagrant Act of the 12th November 1833, under which such offences may be tried, are in the highest degree unconstitutional, and repugnant to the Imperial Act.

Sect. 66. As to offensive weapons. *Vide* remarks on Jamaica Abolition Act, No. 1, ss. 33. 35.

AN ACT for dividing the Colony into Police Districts, for making Provision for the residence of Special Justices therein, for the creation of Gaols, and places of Solitary Confinement, the appointment of Gaolers and Constables, and for other Purposes:—Passed 20th March 1834.

The principal topics in this Act have been already noticed.

Sect. 10. Rules and regulations of so much importance should be first submitted to the governor, and, so far as apprentices are concerned, approved by the Colonial Secretary. *Vide* preliminary remarks on Jamaica House of Correction Act.

Sect. 11. A deficiency of forms appears to exist throughout the colonies, which is greatly to be regretted, on account of their importance, not only to the due execution of justice, but likewise to the protection of public functionaries.

AN ACT to provide for the Payment of Salaries to certain Special Magistrates therein designated, and to repeal certain Clauses of an Act, &c. &c.:—Passed 22d August 1834.

This Act repealed various objectionable clauses in the Bahamas Abolition Act not hereinbefore noticed, and fixed the jurisdiction of the special justices.

Adequate provision was declared to have been made in this colony by an Order in Council of the 31st July 1835.

GRAND CAYMANAS.

OWING to the want of registration in this dependency, the slaves obtained at once their absolute freedom. It seems important that no time should be lost in accommodating the general laws of this island to the change, and in making suitable provisions for the diseased, aged and infirm victims of slavery.

BERMUDA.

AN ACT for the Abolition of Slavery in these Islands, in consideration of Compensation:—Passed 10th February 1834.

Allowed and confirmed by Order in Council, of the 31st July 1835.
Dispenses wholly with the apprentice system.

AN ACT to Repeal the Laws, exclusively applicable to Free Blacks and Free Coloured Persons, and extend to them the Laws applicable to White Persons, and to fix the Qualification for Jurors, Voters, and Electors and Candidates for certain Offices and Places of Trust:—Passed 10th February 1834.

Places all classes on an equal footing, but raises the qualification for various public purposes.

No time should be lost in accommodating the general laws of this island to the change; and in making suitable provision for the diseased, aged and infirm victims of slavery.

Adequate provision was declared by an Order in Council of the 31st July 1835.

No. 7.
Analysis of Colonial Acts.

CAPE OF GOOD HOPE.

CAPE OF GOOD HOPE.

In this colony, the whole negro population have been classed as non-prædial labourers, and consequently attain their freedom on the 13th August 1838. Under all the circumstances of the case, this arrangement, though not exactly conformed to the provisions of the Imperial Act, may not be deemed practically disadvantageous to the apprentices.

AN ORDINANCE for giving due Effect to the Provisions of an Act of Parliament, passed in the 3d & 4th years of the reign of His Majesty William IV. intituled "An Act for the Abolition of Slavery throughout the British Colonies," &c.:—Passed 28th August 1833.

This Ordinance adopts in most particulars the provisions of the Draft General Order in Council for the Colonies. A few specific remarks upon it seem to be nevertheless requisite.

Cap. 4. On the maintenance of the apprenticed labourers, enacts no penalties and gives no remedies against employers, who neglect or refuse to perform these essential duties. The penalties in such cases under the slave system, do not appear in the Parliamentary Papers.

Cap. 5, sect. 5. As a large proportion of the apprentices residing on scattered farms may be presumed to be included in this clause, the restriction seems harsh and unnecessary; and considering the lengthened duration of daily labour in this colony, it appears in respect to religious worship to be repugnant to the provisions of the Imperial Act, ss. 21. 61.

Sect. 8. Absence, without reasonable cause only, should be punished, and the spirit of the Imperial Act, section 20, requires that compensation should be made, if possible, during the original term of apprenticeship.

Sect. 10. Service after the expiration of the original term of apprenticeship must be limited to the time of wilful absence: the clause as it now stands is repugnant to the Imperial Act, section 20.

It is unnecessary, however, to pursue these objections, as remarks have already been made on the Mauritius Order in Council, which will be found to correspond generally with this ordinance.

Adequate provision was declared by an Order in Council of the 31st July 1835, to have been made in this colony.

Many other Acts and Ordinances, general in their title, but in practice more particularly affecting the emancipated negroes, have been passed in various colonies. These laws form the subject of a separate analyis.

The Marriage Laws of the colonies, will likewise form a distinct head of inquiry.

Certain laws, peculiarly affecting the free coloured population; and others regulating the terms and conditions of the apprenticeship of liberated Africans, have not yet been noticed; but an examination of them appears essential to a complete and satisfactory inquiry into the condition of the African population in our colonies.

— Appendix, No. 8. —

No. 8.
Negro Education.

JAMAICA.

NEGRO EDUCATION.

EXTRACTS from the VOTES of the HOUSE OF ASSEMBLY of *Jamaica*, Session 1835-6.

12 November 1835.—A MOTION being made that a Committee be appointed to ascertain the best method of instilling into the minds of the juvenile population of the peasantry religious instruction, and for the prevention of vicious habits;

Ordered, That Messrs. Manderson, Cox, Davis, Jordan, Hilton, Panton, Farquharson, Taylor and Barclay, be a committee for that purpose.

17 November 1835.—Ordered, That the following Message be sent to his Excellency the Governor:

"May it please your Excellency,

"We are ordered by the House to wait on your Excellency, and to request that your Excellency will be pleased to put the House in possession of all such information as your Excellency may have received, of the measures intended to be pursued by His Majesty's Government to provide for the moral and religious instruction of the labouring population.

"The House, in soliciting this information, beg to state, that the resolutions with which the Imperial Parliament introduced the Bill by which slavery in the British Colonies was declared to be abolished, included a pledge to provide for the instruction of the emancipated population of the colonies on liberal and comprehensive principles.

"The House, alive to the importance of early adopting measures by which the moral and religious wants of the people may be adequately provided for by some legislative enactment, is anxious to learn how far His Majesty's Government may be prepared to make the necessary endowments for the establishment of district schools, that the inquiries to be instituted by the House into the wants of the community, and into the best measures to be adopted for meeting those wants, may be directed by the views which His Majesty's Government may have taken of the subject, and the nature of the provision they may be prepared with to meet it."

19 November

No. 8.
Negro Education.
JAMAICA.

19 November 1835.—Message of his Excellency the Governor by his Secretary, as follows:

"Mr. Speaker,

"I am commanded by his Excellency the Governor to inform the House, that he has received their message on the subject of education, and that, it being one of peculiar interest to himself, it would have afforded him the greatest gratification had he been able to make to them a satisfactory reply.

"Previous to his Excellency leaving England, a plan for general education in this island, then in agitation, was submitted to him, and, from what passed in a personal interview with the Secretary of State, he deemed himself authorized to take the first opportunity, after his arrival, of making it known that such was the case.

"No official announcement of the sort has been since made to him, a circumstance which, knowing the anxiety of the present Administration on the subject of education generally, he cannot but attribute to the many changes that have occurred during that period in the Colonial Office.

"Some communications which have taken place during the last summer, in the course of which his Excellency sent home his own views on this important subject, induce him to think that the matter has been undergoing serious consideration, and that, to the want of sufficient information on which to form a plan likely to be successful, is to be attributed the delay which has been complained of. The presence, however, of the Bishop of Jamaica in England may be expected materially to overcome any such difficulty.

"It is not for his Excellency to dictate to the House the course for them to pursue, but, in the anxious hope of forwarding the object in question, he would suggest that nothing is so likely to promote it as some enactment of the Legislature of this colony, laying down a comprehensive plan, whereby no distinction shall be made as to sect or colour, and passing it into a law. Should such a law be passed, his Excellency, without, however, having any authority to give more than his own private opinion as to the intentions of Government, imagines that immediate assistance would be afforded by the mother country, as such a preparatory step on the part of the colony would prove the interest felt here for the accomplishment of this desirable object, even though the provision for giving it effect should become the subject of future consideration.

"His Excellency will take the earliest opportunity of communicating to the British Government the message he has received; he will be most happy also to attend to any further expression of the feelings of the House on this point, and give his most hearty co-operation in a measure which has engrossed much of his thoughts, and which he fully agrees with the House in thinking to be of the greatest consequence to the future prosperity of Jamaica."

Ordered, that the above Message do lie on the Table.

26th November 1835.—Message of His Excellency the Governor, by his Secretary, as follows:

Mr. Speaker,

I am commanded by His Excellency the Governor to lay before the House the copy of a despatch received from the Colonial Office last night, having reference to a general diffusion of education amongst the mass of population in the colonies, and to their religious improvement.

Lord Glenelg's Despatch to the Marquis of Sligo, 15 October 1835.

This subject, having so early engaged the attention of the Assembly, and His Excellency having, on Thursday last, stated to the House his opinion, that, if the proposed measures received the sanction of law in this island, assistance would be afforded by the mother country in accomplishing these desirable objects, he is highly gratified in being so soon enabled to communicate the sentiments, of His Majesty's Government, by which the Assembly will perceive, not only the lively interest entertained, but the prospect of material assistance being afforded, as well by Parliament as from the voluntary exertions of different religious societies who are engaged in this work.

The fortunate circumstance of the legislature being now in session, will much facilitate the early adoption of enactments for the extension of schools, and framing such regulations for compelling the attendance of those, for whose benefit they are designed, as the wisdom of the legislature may devise, with reference to the suggestions in the accompanying communication of the Secretary of State for the Colonies.

16th December 1835.—Mr. Manderson, from the Committee appointed to ascertain the best method of affording Moral and Religious Instruction to the Poor Juvenile Population of the Country, reported as follows:—

Mr. Speaker,

Your committee, appointed to ascertain the best method of affording moral and religious instruction to the poor juvenile population of the country, for promoting industrious habits, and prevention of idleness, report, that, for the purpose of providing district schools, under the sanction of His Majesty's Government, it will be necessary that the parishes of the island should be divided into districts of a smaller extent, and that a school should be established in each district, to be conducted upon liberal and comprehensive principles.

Your committee are aware that this measure must be attended with a heavy expence, and therefore feel that it will be premature to bring in a bill this session; but earnestly recommend to the House, that an Act for this purpose be introduced early next session, when the House will be in possession of information as to the extent of the pecuniary support they are likely to receive from the British Government.

No. 8. Negro Education. — Jamaica.

To meet present exigencies, and to provide immediately for the wants of a population, at present under little instruction or control, your committee recommend to the House, that a bill be brought in to enable proprietors to establish schools on their respective properties, under proper regulations.

Resolved, That the House do agree to the Report.

Ordered, That Messrs. Manderson, Cox, Davis, Jordan, Hilton, Panton, Farquharson, Taylor, Barclay, Guy and Osborne, be a committee to prepare and bring in a Bill to enable proprietors to establish schools on their respective properties, under proper regulations, agreeably to the said Report.

26th January 1836.—Message of His Excellency the Governor, by his Secretary, as follows:

Mr. Speaker,

Lord Glenelg's Despatches to the Marquis of Sligo, 16 & 25 Nov. 1835.

His Excellency the Governor, has great pleasure in laying before the House, two communications, which he has during the recess received from the Secretary of State for the Colonies, on the subject of the education of the negro population.

The readiness with which Parliament have voted 25,000 *l.*, in fulfilment of their pledge to contribute to this desirable object, must convince the Assembly of the deep interest of the British nation in the welfare of this large class of the community, and in which measure the proprietors of land in this colony are so immediately concerned, as by infusing amongst the labouring class the principles of religious instruction, good order, and a right discharge of their social duties must be effected.

His Excellency invites the attention of the House to the prospect of still further assistance being voted during the next session of Parliament; but as the House are now informed of the amount of pecuniary support which will be afforded forthwith by the British Government, they will be enabled to adopt such legislative enactments as may be necessary to give effect to the benevolent intention of His Majesty's Government, and His Excellency will most cordially co-operate in any measure that may be devised for the attainment of an object of such vital interest to the prosperity of this valuable colony.

— Appendix, No. 9. —

No. 9. Gaols and Houses of Correction.

JAMAICA.—GAOLS AND HOUSES OF CORRECTION.

(Circular.)—Lord *Glenelg* to the Marquis of *Sligo*.

My Lord, Downing-street, 18th November 1835.

Among the subjects which have recently engaged the public attention in this country, none has occupied a more prominent place, or is more intrinsically important, than the establishment of proper regulations for securing an effective prison discipline.

During the last session of Parliament a Committee of the House of Lords was appointed to inquire into the state of the gaols and houses of correction in England and Wales. After a minute and laborious investigation, their Lordships adopted a series of reports, of which copies are herewith inclosed for your information, and an Act, of which a copy is also inclosed, was subsequently passed by the Imperial Parliament, for the purpose of carrying out the principles elicited by their inquiries. It is the object of my present despatch to call your attention to the general subject of prison discipline, as far as regards the colony under your government.

From the nature of the investigation undertaken by the Committee of the House of Lords, some of the observations in their reports, and of the recommendations embodied in their resolutions, are necessarily of a local and exclusive nature; but there are many others which are of general application, and which, with such modifications only as are demanded by local circumstances, might probably be advantageously introduced into the colony under your government.

I have therefore to desire that you will bring the inclosed documents under the consideration of the , and solicit their early attention to this important subject.

I have also to request that you will at your early convenience procure and transmit to me a report upon the state of the prisons in the colony under your government.

The principal heads into which it is desirable that this report should be divided are,

1st. The number of gaols or houses of correction actually existing in the colony.

2d. The number of prisoners which each is capable of containing, and the average number of prisoners confined in each.

3d. The regulations adopted for maintaining the internal discipline of the prison; the authority by which such regulations are established or revised; the nature and extent of the punishments permitted to be inflicted on prisoners; by what authority the general rules for punishments are made; and also by what authority the punishment appropriate in each case is appointed.

4th. Whether any and what species of compulsory labour is enforced.

5th. In those cases where compulsory labour is used, the average amount of the earnings of each prisoner, and its application.

6th. The amount of the daily allowance of food to each prisoner; the allowance of clothes

or

or bedding; under what authority provided, and the average annual expense of such supplies.

7th. What provision is made for the medical treatment of sick prisoners, and for holding inquisitions in cases of death.

8th. The nature and extent of classification which is established, more especially with reference to the separation of men from women, of the young from the older prisoners, of criminals from debtors, and of persons committed for trial from those who have been convicted.

9th. The provision made for the instruction of the prisoners, whether a chaplain is appointed, and whether Bibles or other books are furnished to the prisoners.

10th. What means are adopted for securing the visitation of the prisoners by the local magistracy and other authorities; whether those visits are only at stated and prearranged periods, or whether the magistrates are in the habit of visiting the gaols at irregular periods, and when their visits would not be expected.

11th. Whether any means exist for allowing the prisoners to enjoy exercise in the open air.

On these and any other points which may appear to you to deserve notice, I have to request that you will transmit to me the fullest information which it is in your power to furnish; and you will also inform me whether any alterations and improvements upon the system at present in use are in contemplation of the local legislature.

I have only to observe, in conclusion, though it is hardly necessary to do so, that the information now called for is not intended in any degree to supersede the similar annual returns which are comprised in the Blue Book.

I have, &c.

(signed) *Glenelg.*

EXTRACT of a DESPATCH from the Marquis of *Sligo* to Lord *Glenelg*, dated Highgate, *Jamaica*, 5th March 1836.

"IN compliance with your Lordship's circular despatch of the 18th November 1835, I sent a circular to the custodes, requesting them to furnish me with replies to the 11 questions contained therein. Copies of them, arranged in the manner which appears to me the most likely to make the matter clear, I have the honour to enclose you herewith."

Question, No. 1.—The number of gaols or houses of correction actually existing in the colony?

Answers:

St. Mary's—One gaol and one house of correction in the parish of St. Mary.

St. Elizabeth—In the parish of St. Elizabeth there is one gaol and one house of correction contiguous, with communication between, and divided by a strong substantial wall.

Vere—A gaol and house of correction in the parish of Vere.

Hanover—There are in the parish of Hanover one gaol and one house of correction.

Trelawny—A house of correction upon an extensive scale, and a gaol of two stories in height, but having every requisite recommendation.

St. Thomas-in-the-East—At Morant Bay, parish of St. Thomas-in-the-East, one gaol and one house of correction.

St. James—One gaol and one house of correction.

Westmorland—One gaol and one house of correction.

St. Thomas-in-the-Vale—One house of correction in St. Thomas-in-the-Vale. The gaol is building.

St. Andrew—There is a gaol and house of correction in the parish of St. Andrew.

Manchester—One gaol, which is connected with the house of correction.

Clarendon—One house of correction and one prison in Clarendon.

Portland—One gaol, two apartments with two cells and a debtors' room; one house of correction, nine solitary cells; also one tread-mill, with shed on the same.

Kingston—Three county gaols; and as the law requires, so do I believe there is a gaol as well as house of correction besides, in each of the 21 parishes.

St. George's—I do not know.

Port Royal—In the parish of Port Royal one.

St. Ann—One parochial gaol and a house of correction in St. Ann.

St. Catherine's—Precinct comprising St. John and St. Dorothy: in the parish of St. Catherine there is one gaol, the gaol of the county of Middlesex, and a parochial house of correction; for information respecting the county gaol, I beg to refer to the Provost-marshal-general of the island.

Question, No. 2.—The number of prisoners which each is capable of containing, and the average number of prisoners confined in each?

Answers:

St. Mary's—House of correction, capable of containing 50 prisoners; the gaol, 20 ditto; cells, 6 solitary, 6 ditto. This day, 19th January 1836, taken as an average: house of correction, 24; in the gaol 3, in cells 3.

St. Elizabeth—The gaol is capable of containing 32 individuals; the average number of prisoners confined therein is about 10. The house of correction is capable of containing 84 individuals; the average number of prisoners confined therein is about 24.

Vere—The gaol can with ease contain 30 prisoners; the house of correction, 40 culprits.

No. 9. Gaols and Houses of Correction.

JAMAICA.

Hanover—The gaol is capable of containing 20 persons: the house of correction about 80. The average number the gaol has is 4 persons, that of the house of correction 30.

Trelawny—The house of correction is capable of containing upwards of 100 persons; the gaol the half of that number. There is not usually an average of half that number in either place.

St. Thomas-in-the-East—Gaol capable of containing 50 prisoners, average number of prisoners confined therein; house of correction capable of containing 80 prisoners, average number of prisoners confined therein.

St. James—The gaol in Montego Bay is capable of containing 250 persons, and the house of correction 100. The average number of prisoners may be estimated at 35 in the gaol, 30 in the house of correction.

Westmorland—The gaol is capable of containing 25, with comfort, when classified; and the average number of persons confined therein, including debtors and militia delinquents, throughout the year, is about 12. The house of correction is capable of containing 50, and the average number of prisoners 40.

St. Thomas-in-the-Vale—The gaol, when finished, will be capable of containing 40 prisoners; the house of correction 100. Average about 27 prisoners per month.

St. Andrew—The gaol will contain 10 prisoners, and the house of correction 140. The gaol has seldom any inmates, the county gaol of Kingston being allotted for them. The average number is about 50 in the house of correction.

Manchester—The gaol is capable of containing 20 persons. The average number in confinement seldom exceeds 10. The house of correction can accommodate 40; the average has not exceeded 20 in at one time.

Clarendon—There is one prison and house of correction in this parish; it contains eight separate apartments, and six solitary cells, and is capable of containing 100 prisoners. The daily average during the whole of last year was 30 prisoners. At foot is annexed the size of each apartment, and the number of prisoners confined during the year.

Dimensions of the Apartments:

No. 1.	24 feet by 18	No. 5.	12 feet by 9
2.	18 - - 12	6.	20 - - 14
3.	18 - - 12	7.	20 - - 8
4.	12 - - 19	8.	20 - - 8

Four solitary cells, 7 feet by 8.

During the whole of last year 10,966 persons were confined, an average of 30 persons each day.

Portland—Gaol apartments, at least 20; house of correction, divided into three apartments, 60; solitary cells, nine; average number of prisoners about 15.

Kingston—The county gaol of Surrey is in Kingston, and is capable of holding 150 prisoners; and there have been in it an average upwards of 100 these five years past.

The house of correction for the parish of Kingston has had in it, on an average these five years past, about 100 prisoners, and is capable of holding 180.

St. George's—The house of correction and gaol will contain 70; average number for last year 21.

Port Royal—The gaol and house of correction consists of four rooms, capable of containing 15 prisoners each, and six solitary cells. The number of prisoners varies from 10 to 20.

St. Ann—The parish gaol capable of containing 20 persons or thereabouts.

St. Catherine—The parochial house of correction is capable of containing 150 prisoners; there are, on an average, from 40 to 50 confined therein.

Question, No. 3.—The regulations adopted for maintaining the internal discipline of the prison; the authority by which such regulations are established or revised; the nature and extent of the punishments permitted to be inflicted on prisoners; by what authority the general rules for punishments are made; and also by what authority the punishment appropriate in each case is appointed.

Answers:

St. Mary's—All the rules and regulations are made by and under "An Act for making further provision for the building, repairing and regulating of Gaols, Houses of Correction, Hospitals and Asylums; passed on the 4th day of July 1834." A committee of magistrates have met and framed the code of rules and regulations, and which is at present in the hands of the printer, and when received from him, a copy will be transmitted.

St. Elizabeth—The regulations adopted are such as are directed by the Act for making further provision for building, repairing and regulating of gaols, houses of correction, hospitals and asylums, 1834.

Vere—Under an Act passed by the Legislature on 4th July 1834, intituled, "An Act for the building, repairing and regulating of Gaols, Houses of Correction, Hospitals and Asylums."

Hanover—The regulations adopted for the management of both gaol and house of correction are those prescribed in the Act for regulating Gaols, &c., passed by the Honourable House of Assembly on the 4th of July 1834, to which other regulations (a copy of which is herewith enclosed) were added by the magistrates of the parish in special sessions.

Trelawny—The rules and regulations are established under the provisions of an Act of the Island, 5 Geo. 4, c. 8, intituled, "An Act for making further Provision for the building, repairing

No. 9. Gaols and Houses of Correction. — JAMAICA.

repairing and regulating of Gaols, Houses of Correction, Hospitals and Asylums." A copy of such rules accompany this. The government of the prison is carried on under the same.

St. Thomas-in-the-East—The regulations, as per annexed statement, established at special session. The punishments inflicted by orders of special justices, and restricted to 50 lashes.

St. James—The regulations are in conformity with 4 & 5 Will. 4, and under same authority discipline is enforced and extent of punishment prescribed.

Westmorland—By a recent Act of this island, passed in the 4th Will. 4, intituled, "An Act for making further provision for the building, repairing and regulating of Gaols, Houses of Correction, Hospitals, and Asylums," 20 rules are laid down for the internal management of prisons, which are as strictly adhered to as the nature of the respective accommodations of the gaol and house of correction will admit of. The keepers of gaols may hear complaints touching sundry offences, and punish by close confinement, for six days, on bread and water. Provided the visiting justice confirms the decision, two or more visiting justices may order persons in a gaol to be set to some work or labour, not severe, and where there shall be no work or labour to which to apply the prisoners, they shall be made to walk during portions of the day, in the manner the justices in session shall determine. The 24th clause provides that any criminal or prisoner guilty of any repeated offence against the rules of the prison, house of correction, &c., or of any greater offence than the prison is empowered to punish, may be subjected to such close confinement for any term not exceeding one month, or by personal correction, as the case of prisoners convicted of felony or sentenced to hard labour, as one justice may deem meet. As delinquents in the house of correction are for the most part apprentices, the supervisor brings them up before the weekly special magistrates' court, to be tried for offences against the discipline of the prison.

St. Thomas-in-the-Vale—Printed regulations under the direction of custos and magistrates; solitary confinement, sometimes tread-mill or flogging; extent varies. By authority of the local and special magistrates after trial.

St. Andrew's—The regulations are; viz., First, that there shall be prayers read to all the inmates of the institution twice a-week, by a clergyman or licensed catechist, and any indecent behaviour during the time of worship to be reported to the special magistrates. Secondly, any apprentice ordered for hard labour shall be kept at such for the period he or she may be directed, and those ordered to solitary confinement shall be kept in the cell, and fed upon bread and water, or otherwise ordered by the special magistrate. Thirdly, that the sexes shall be confined in separate wards, and the use of ardent spirits prohibited, together with the smoking of tobacco, and no noise or talking to be allowed. Fourthly, that all corporal punishment shall be inflicted as the magistrate may direct, without partiality, favour or affection. Fifthly, that in case of a prisoner complaining of sickness, it shall be immediately reported to the medical officer, whose direction shall be attended to in regard to medicine and nourishment, and that the nature of the patient's treatment be entered in a book, to be kept for that purpose, stating the date of the entry and discharge from hospital. Sixthly, that in case of the death of any prisoner, a report to be immediately made to the coroner of the parish, whose directions respecting the body shall be attended to. Seventhly, that a report shall be made to the special magistrate, weekly, of the conduct and treatment of each prisoner, stating the date they were received, and the time their sentence would expire. Eighthly, that should any prisoner be wishful to make a complaint to the magistrate, they, as well as all those who the prisoner may consider capable of giving testimony, in order to establish said complaint, shall be conducted before the special justice at his first sitting thereafter. Ninthly, That the penal gang shall not leave the institution before gun-fire in the morning, nor return later than sunset, and during the time they are at work, they shall not be permitted to receive anything from their friends or passengers, nor hold any conversation with them, either on their way going or coming from their work, nor to be found loitering on the road. Tenthly, That the penal gang shall be allowed a sufficient quantity of food and salt provisions, and time to eat the same, with as much good water as they can drink at all times, and the food shall be varied if required, by directions of the magistrates or medical officer. Eleventhly, That silence and good order, and subordination shall at all times be observed in the institution, and all prisoners be locked up previous to eight o'clock at night. Twelfthly, That a matron shall be appointed to attend to the female prisoners, keep their cells clean, see that there is a pail of good water kept constantly therein with an empty tub, and that their food is regularly supplied them, and the doors kept locked, and no communication with any of the other prisoners allowed, and that the boatswain attend to the male prisoners in like manner: (signed) *John Mais*, Custos; *Joseph Gordon*, *Samuel Lloyd*. The regulations are established by the magistracy, a few stripes are given to the male prisoners when obstinate and refuse stepping the treadmill, and on their persisting, they are put in solitary confinement. No punishments are inflicted without the orders of the magistracy.

Manchester—The regulations required for maintaining the internal discipline of the prison, the authority by which such regulations are established &c., are detailed in an Act of the legislature of the colony passed in the 4th year of His present Majesty's reign intituled, "An Act for making further provision for building, repairing and regulating of Gaols, Houses of Correction, Hospitals and Asylums."

Clarendon—The internal discipline of the prison, is maintained by the supervisor and his deputies or drivers, who reside in the prison; they are guided by certain rules and regulations laid down in an Act of this island, passed on the 4th day of July 1834, and by a further code of regulations, adopted at a meeting of the magistrates of the parish, and which are subject to revision and correction at every quarterly or special meeting. The punishments are com-

pulsory labour in the penal gang, solitary confinement, the treadmill and the whip. The extent of the application of each lies with the stipendiary magistrate, in cases of delinquency between an apprentice and his or her master, and with the local magistrates sitting in quarter session in cases of assault, breach of the peace or petty larceny, when these crimes are committed by free persons or by apprentices, but wherein their masters are not concerned.

Portland—The regulations adopted, are those laid down by the Act 5 Will. IV., with such trifling alterations as the magistrates and vestry deemed necessary, to adapt them to the local arrangements. No punishments take place, except under the authority of the power which committed the offender, say the special justices and courts of quarter sessions.

Kingston—The regulations for the internal discipline are made by the corporation, by authority in 5 Will. IV., c. 8. Five members are appointed a committee to superintend each, and hear complaints; corporal punishment to the men is permitted to be used lightly, to enforce labour on the treadmill. Confinement in the solitary cells from one to six days, is found useful to enforce prison discipline. When men or women are refractory in the gang of the house of correction, they are put on the treadmill for a few days.

St. George's—The regulations of 5 Will. IV., c. 8, are adopted as nearly as circumstances will allow. A copy of the additional rules made under the 4th clause, has been sent to His Excellency the Governor. No corporal punishment inflicted, but by order of a visiting justice. Prisoners may be set to work or labour by order of two Justices. A report is made on each case by the gaoler to the visiting justice, who orders the punishment. Gaoler has the power to confine in the stocks for 12 hours, in any case where prisoner refuses or fails to perform his or her sentence, to be afterwards reported to the visiting justice. The punishment is by hard labour in the field or otherwise, and by whipping, the extent not specified or limited by the law.

Port Royal—The regulations adopted, are as near as circumstances will admit to those pointed out by the 5th Will. IV., c. 8 and are laid down by the justices. The punishment is by solitary confinement, not exceeding one month, and that by order of the visiting justice.

St. Ann—The regulations of the prison is by the sanction of the parochial magistrates, under the superintendence of a gaol keeper or deputy marshall, and is occasionally visited by the parochial authorities, but not at stated periods. No punishment is allowed, safe custody being the object.

St. Catherine—A copy of these regulations have been already transmitted to his Excellency the Governor, and to them I beg to refer. These regulations are framed by the magistrates under the 5th Will. IV., c. 8. The punishments inflicted are by sentence of the supreme court; courts of quarter session, petty session, magistrates sitting under the St. Jago de la Vega Police Act, Vagrant Act, and other Acts of the island, giving them jurisdiction; and by the special justices, under the 4th Will. IV., c. 41, and by sentence of courts under the permanent Police Act. The punishments inflicted are those sanctioned by common and statute law.

Question, No. 4.—Whether any and what species of compulsory labour is enforced?

Answers:

St. Mary's—The labour depends upon the sentence of the court before which the culprit is tried; such as digging cane-holes, working on the public roads, or on the tread-mill.

St. Elizabeth—The species of compulsory labour enforced is agricultural, where it can be obtained; when not, carrying and breaking stones, for repairing the King's roads in the immediate vicinity of the house of correction.

Vere—Tread-wheel, and occasional field labour.

Hanover—In the gaol no compulsory labour is enforced, unless specified in their sentence. In the house of correction compulsory labour is enforced; such as breaking stones, repairing the highways, cleansing the streets of Lucea, and removing nuisances.

Trelawny—The only mode of compulsory labour is the penal gang, which is employed in keeping the streets of Falmouth in cleanliness and order, and also with repairs on the highways in the vicinity of the town.

St. Thomas-in-the-East—Prisoners are sentenced to the tread-mill, and occasionally to labour in repairing roads.

St. James—The 8th sect. of 3d clause of 4 & 5 Will. IV. authorized employment, not exceeding 12 hours per day; breaking up stones and paving the avenues of the gaol therewith, and keeping the premises in order, constitute the employment.

Westmorland—No sort of compulsory labour has as yet been introduced into the gaol of Westmorland. Compulsory labour is altogether used in the house of correction (excepting in cases of solitary confinement), whether they be convicts, apprentices confined for misdemeanors, vagrants, or seamen for misbehaviour, together with the tread-wheel, for the purposes of hard labour.

St. Thomas-in-the-Vale—Field labour, and on the highways.

St. Andrew's—The tread-mill and field labour.

Manchester—Prisoners sentenced to hard labour are employed in the repairs of the highways in the vicinity of the house of correction; and sometimes are hired out to neighbouring plantations, where they are employed in the ordinary plantation work.

Clarendon—Compulsory labour is enforced as a means of punishment: it consists in digging cane-holes, turning trash and moulding canes, in mending roads, and in quarrying and carrying stones, and in a variety of other useful employments.

Portland—A penal gang is established; they work on the highways near the town, and

for

for individuals when there is no public work. Those sentenced to hard work are placed on the tread-mill.

Kingston—The tread-mill, and penal gang in the house of correction.

St. George's—The 3d clause of the additional rules directs that "Convicts sent to the house of correction be kept to hard labour, or otherwise," (such as breaking or carrying stones, &c.).

Port Royal—The apprentices are employed cleaning the streets and repairing of roads, and occasionally hired out. Those confined within the walls break stones for repairing the roads and streets, grind corn for the institution, &c.

St. Ann—None.

St. Catherine—Breaking stones and mending the streets of the town; procuring water for the establishment; grinding corn into flour for the use of the prisoners.

Question, No. 5.—In those cases where compulsory labour is used, the average amount of the earnings of each prisoner, and its application?

Answers:

St. Mary's—It is impossible to say what the average amount of the earnings of each is; the whole is very little, but what they do earn is applicable to their maintenance, and the support of the institution.

St. Elizabeth—The amount of the earnings of each prisoner is 10*d.* currency per diem, for working days only, and during continuance of health; which, from broken days and sickness combined, entails a loss on the parish. The application of the earnings, when received, is either paid to the churchwardens, or credited in the account current of the superintendent with the parish.

Vere—The institution has not been long enough established to ascertain the amount.

Hanover—No compulsory labour for hire or money is enforced, the whole being expended, as stated in answer to question No. 4, for the benefit of the public.

Trelawny—The average amount of compulsory labour is 1*s.* 8*d.* Jamaica currency per day for each prisoner.

St. Thomas-in-the-East—The average sums of such prisoner about 10*d.* sterling per diem, applied to purchase food, clothing, and pay doctors.

St. James—The house of correction prisoners are generally employed in keeping the streets and lanes in order. They are occasionally worked on properties adjacent to the town, at an average hire of 1 *s.* 8 *d.* per day, which is applied in the reduction of the expenses of the establishment.

Westmorland—The average amount of the earnings of each prisoner in the house of correction is 1 *s.* per diem, which is applied towards the support of the establishment, of officers, and the clothing and maintenance of the prisoners.

St. Thomas-in-the-Vale—Two shillings and a penny per day; the earnings applied to maintenance of the prisoners and payment of officers' labour.

St. Andrew's—The average amount of each prisoner in the field is 1 *s.* 8 *d.* per day, which sum is appropriated to the expenditure of the institution.

Manchester—When hired out, the average hire of each prisoner is 1 *s.* 3 *d.* currency per diem, which is applied to the contingent expenses of the gaol and house of correction.

Clarendon—The average of the earnings of each prisoner in the house of correction of this parish last year was only 8 ¾ *d.*, but the average amount of each prisoner sent out to work was 1 *s.* 8 *d.*, that is to say, that during the year there was an aggregate of 10,966 prisoners, but of that number only 4,886 were sent to work, who earned 407 *l.* 2 *s.*, an average of 1 *s.* 8 *d.* each, which sum was applied to the payment of the expenses of the establishment.

Portland—Those in the penal gang about 1 *s.* 3 *d.* currency per day; the tread-mill is not quite applicable to profitable labour, but arrangements are in progress to make a corn-mill of use, and attached to it. The sum received is applied to their support and the contingencies of the institution.

Kingston—There is no labour which yields any profit to the parish, but all the apprentices who are sentenced to the penal gang, are employed in cleaning and repairing the roads and streets.

St. George's—The average earnings of each prisoner 1 *s.* 8 *d.* per diem, applied to the support of the institution.

Port Royal—When the apprentices are hired out, 2 *s.* 6 *d.* currency is charged for their time, and appropriated to the contingencies of the institution, but this seldom occurs.

St. Ann—None.

St. Catherine—The labour being expended for the use of the parish, no account is kept, but the average labour coming of each labourer may be estimated at 1 *s.* 3 *d.* currency, per diem.

Question, No. 6.—The amount of the daily allowance of food to each prisoner, the allowance of clothes or bedding, under what authority provided, and the average annual expense of such supplies?

Answers:

St. Mary's—Six large plantains to males, five to females, or six pounds of yams or cocoas, one herring or shad, except those sentenced by the special magistrate to be fed on plantains and water. Such clothing and beddings as are necessary, are provided, under the

No. 9. Gaols and Houses of Correction.

JAMAICA.

the orders of the president and treasurer. The annual amount of expenses is about 1,000 *l.* per annum.

St. Elizabeth—The daily allowance of food to each prisoner is one quart of wholesome flour, one quart of wholesome Indian corn meal, or one quart of wholesome great corn (Indian) and one herring or shad. The allowance of clothes for the prisoners is a sufficient quantity of pennistones and Oznaburghs, and, when required, provided by contract by the parish. The bedding is a clean rush mat. The average amount expense of such supplies to the parish is about 360 *l.* currency.

Vere—Food equal to 8 *d.* per diem, is allowed to each prisoner. The other part of the question cannot be easily answered for the same reason as stated in No. 5.

Hanover—The daily allowance to convicts is one quart of great corn, or one pound flour, or four pounds of ground provisions, together with two herrings. Two suits of clothes made of Oznaburgh, and one red frock are annually given, but more are supplied if required under the authority of the magistrates. The annual average expense of clothing and rations of food is about 430 *l.*

Trelawny—The allowance of food, &c., is regulated under the 16th rule, framed in pursuance of the Act above referred to.

St. Thomas-in-the East—The diet of this institution, unless when ordered to the contrary, by the visiting justice or medical attendant, shall consist of plantains, or wholesome ground provisions, as yams or cocoas, or such other wholesome food as may be directed by the justices in times when the above-mentioned articles can only be procured with difficulty or at high prices; and that prisoners be allowed as follows: Six grown plantains for men, and five for the women, or six pounds weight of ground provisions for men and five for the women. And when other articles of food are supplied, a sufficient quantity, such as may be deemed sufficient by the visiting justice; and that each prisoner shall, in addition to the above, be furnished daily with one herring or other fish in proportion, besides which an allowance of clothing is provided by authority of the magistrates in special sessions.

St. James—In the gaol, the daily allowance for food to a debtor is 2 *s.* 6 *d.*, Crown witnesses 6 *s.* 8 *d.*, Crown prisoners 1 *s.* 3 *d.* In the house of correction, each prisoner receives daily one quart of wholesome rice, corn, or flour, or ground provisions equal thereto, and two pickled fish. Bedding is not furnished according to the provisions of 4 & 5 Will. 4, but is, with clothing, supplied at the instance of the visiting justices when absent.

Westmorland—Seven quarts of wheat, or other flour in that proportion, and seven herrings or shads or other salted provisions, and in lieu of flour 46 pounds of ground provisions weekly, per head, the annual expense of which is about 640 *l.* In respect to the clothing the convicts in the house of correction receive yearly 10 yards of Osnaburgh, six yards of pennistone, one hat, one handkerchief, thread, needles, and a knife at the customary prices. Those sent in for casual punishment, or lodged as deserters, if in a ragged state, are clothed, and the cost is charged to the parish or their masters, as the case may be.

St. Thomas-in-the-Vale—Four lbs. of bread kind, with one herring or half a shad per day; one Osnaburgh frock and trowsers, with a hat; bedding none; a platform raised three feet from the ground; by authority of the magistrate; about 1 *l.* 6 *s.* 8 *d.*

St. Andrew's—One quart and half a pint Indian or Guinea corn meal, one large shad, or two herrings; the clothing is supplied, whenever required, by the supervisor, otherwise he is under a penalty by an Act of Assembly. They find their own bedding; each prisoner has, on an average four suits of clothes annually, which costs 1 *l.* 13 *s.* 4 *d.*

Manchester—Each prisoner is furnished with three pounds avoirdupois weight of corn-meal, and two herrings or shads daily, or in lieu of corn-meal an equivalent of ground provisions. Whenever a prisoner requires new clothing or bedding, the keeper is authorized by the justices and vestry to provide them, and he enters his charge in his quarterly account with the parish; the average expense of these supplies is 30 *l.* per annum.

Clarendon—Each prisoner is allowed eight pounds of provisions say, cocoas, yams or plantains, per day, or one quart of corn-flour, which cost last year 302 *l.* 7 *s.* 8 *d.*, or an average of 7 ½ *d.* for each prisoner. Clothing is only allowed in cases of great necessity, the prisoners being generally supplied by their masters or friends, no bedding is allowed but such as the prisoners please to furnish themselves.

Portland—Five pounds of ground provisions, or any other good and wholesome food, equal thereto; half a shad, or herring, or salt fish, equal thereto, except in case of sickness, when the surgeon directs and orders their food; the expense of food, &c., about 9 *d.* per day, and of clothing about 1 *l.* currency per annum.

Kingston—In the county gaol the prisoners feed themselves; 6 *s.* 8 *d.* per day to Crown witnesses, 1 *s.* 3 *d.* to criminals, and 2 *s.* 6 *d.* to debtors, given under the laws of the island, and 5 Will. 4, c. 8; and when bedding is necessary, the gaoler provides it at the expense of the country. The expenditure in this manner has been from 1,200 *l.* to 2,000 *l.* per annum. The allowance of food in the house of correction is three pounds boiled corn-meal, and two shads, and when sick every thing is given which the doctor prescribes. The expenditure of the house of correction and asylum attached to it for food, and comfort for the sick, and firewood only, in 1835, was 918 *l.* 13 *s.* 8 *d.* The annual expense of this institution to the parish, including officers, has been from 1,600 *l.* to 1,800 *l.*

St. George's—Eight pounds of ground provisions, or eight plantains, with one herring or shad to each per diem, eight yards Osnaburgh, four yards pennistones, one hat, thread and needles to each, averaging together 13 *l.* 9 *s.* 10 *d.* for each prisoner annually.

Port Royal—Six plantains or five pounds of yams or cocoas, or one quart corn or rice, with one shad or herring. Clothes are given when necessary; no bedding but for the sick,

by

by order of the justices and vestry. The average annual expense for food about 14 *l.*; for clothing about 2 *l.*

St. Ann—Ample allowance daily issued at the expense of the parochial authorities; boarded platforms for sleeping on.

St. Catherine—A quart of corn (which is afterwards ground into flour) and half a salted herring per diem, to prisoners generally; a quart of corn and a whole shad to convicts for life (of which there are few now remaining), and a supply of shirts and trowsers as required. The establishment costs about 800 *l.* per annum.

Question, No. 7.—What provision is made for the medical treatment of sick prisoners, and for holding inquisitions in case of death?

Answers:

St. Mary's—We have two medical gentlemen, at a salary of 80 *l.* each, paid by the parish, one of whom must visit every other day, and they must attend all express visits. Medicines imported from England last year for 44 *l.* sterling. The supervisor is by law, under a severe penalty, to send for the coroner on the occasion of every death.

St. Elizabeth—There is a medical practitioner appointed by the magistracy for attending the institution; physic and nourishment are administered by his direction; and in all cases of death within the prison the superintendent acts according to the rules laid down for his guidance by the Act referred to in Question No. 3.

Vere—A medical man is employed by the year to attend the establishment. In case of death notice is given to the visiting justices, as also to the coroner.

Hanover—A medical man attends both gaol and house of correction daily, by whose order wine or other necessaries are provided for the sick. An inquisition before the coroner is held upon every prisoner dying in the gaol, from whatever cause, natural or otherwise.

Trelawny—A medical practitioner is appointed to attend the establishment, who is remunerated out of the parochial funds. An Act of the island compels an inquisition to be held on all persons dying within the walls of these institutions.

St. Thomas-in-the-East—A liberal salary is allowed for the regular attendance of medical men, and in case of death the coroner is always called in to hold an inquest.

St. James—A physician and surgeon always employed, and coroners' inquests held on every person dying in prison.

Westmorland—Under the 10th clause of the before-recited Act, a surgeon is appointed at the expense of the parish, who visits the gaols and house of correction once at least every morning, and oftener, if necessary, to see every prisoner or inmate, and reports the quarterly sessions. Journals are kept, in which he enters his attendance. According to the 20th rule laid down for prison discipline, upon the death of a prisoner or inmate, notice thereof is given by the keeper to one of the visiting justices, and also to the coroner of the parish, who holds his inquisition thereon.

St. Thomas-in-the-Vale—A medical gentleman is employed at a salary, who attends twice a week, and, on urgent cases, whenever he is sent for. In case of death, an express is immediately sent for the coroner, who upon all occasions attends.

St. Andrew's—A medical practitioner attends the institution regularly, and whatever he administers is punctually attended to. Inquests are held on all the inmates who die in the institution, by an Act of the Legislature.

Manchester—A medical man is employed at a salary of 42 *l.* 13 *s.* 4 *d.* per annum; for which he regularly attends the gaol and house of correction once a week, and as often, besides, as he is sent for, in cases of danger, or in the event of casualties. An inquisition is held upon the body of every prisoner who dies within the walls, for which the coroner receives upon every occasion, according to law, 5 *l.*

Clarendon—Dr. John M'Naught, a medical gentleman in great esteem, is employed by the year, who resides in the vicinity of the house of correction, and visits the institution at least twice a week, and as much more frequently as his services may be required. Inquisitions are held in all cases of death, as expressly required by the 30th rule under the 3d clause of the Island Act above alluded to.

Portland—A medical gentleman is appointed, with a liberal annual salary, of the magistrates and vestry; and in case of death of any of the inmates of gaol or house of correction, the law is imperative that a coroner and jury be summoned before the body can be interred.

Kingston—There is an asylum attached to the house of correction, where the sick are under the superintendence of a doctor, who prescribes for them anything he sees necessary. A physician attends the county gaol. Inquests are held, as directed by the 5th Will. IV., c. 8.

St. George's—A medical practitioner attends the gaol and house of correction twice a week, and oftener if required, for which payment is allowed by the vestry out of the parochial funds. Inquisitions are held on each prisoner dying in gaol or house of correction, agreeably to 58 Geo. 3, c. 23, s. 2, and 5 Will IV., c. 8, s. 3, rule 12. The English laws relating to coroners are declared to be in force here, with few modifications.

Port Royal—A medical man is employed at a salary of 100 *l.* per annum, who attends daily. The coroner holds an inquest on any person who dies in the institution.

St. Ann—An hospital, under the direction of an able practitioner, is attached to the gaol and workhouse, also a matron: the salary of the former is 70 *l.* currency per annum, and 30 *l.* for medicines; the salary of the latter, 20 *l.* currency per annum. Every death is inquired into by the jury and coroner, who return an inquisition accordingly, and is paid by parochial authorities for so doing.

St. Catherine—A medical gentleman, of the highest reputation, is the attendant of the house of correction; he visits once a day, and oftener if required. On the death of a prisoner, the supervisor gives notice to the coroner, who attends and holds an inquest.

Question, No. 8.—The nature and extent of classification which is established, more especially with reference to the separation of men from women, of the young from the older prisoners, of criminals from debtors, and of persons committed for trial from those who have been convicted?

Answers:

St. Mary's—Males and females are strictly kept separate, and all the other matters complied with as far as the capacity of the buildings will admit of.

Refer to the regulations which will be sent to the governor.

St. Elizabeth—There not being the number of separate places of confinement in the gaol and house of correction as contemplated by the Act, the superintendent, as far as lies in his power, strictly adheres to the 3d clause of the Act, referred to in Question 3.

Vere—The prisoners are classed according to age; males and females are kept separate; criminals are separate; those committed for trial are also apart from the others. No debtors have ever been in the gaol.

Hanover—A separate classification of all descriptions of prisoners mentioned in this question is made (except that of the old from the young), and each class is separately confined.

Trelawny—As far as the means of the two establishments will admit of, the requisite classification of prisoners, &c., is observed under the 10th rule.

St. Thomas-in-the-East—The prisoners are classified as follows:

1st Class. All who have been convicted of felonies.
2d — All convicted of misdemeanors.
3d — All committed on charge or suspicion of misdemeanors.
4th — All vagrants.
5th — All runaway apprentices.
6th — All witnesses on behalf of the Crown.

It is rare that prisoners are confined for debt; when it does occur, they occupy separate apartments.

St. James—In the gaol are separate departments for debtors, criminals, and persons under commitment for trial, but the divisions are not sufficient to prevent intercourse and admixture, which sometimes occur. The sexes are divided; there are no distinct apartments for young or old. The house of correction admits of five divisions; the supervisor one, males one, females one, cells one, treadwheel one.

Westmorland—In the gaol male criminals for the higher offences are confined in the stone cells below stairs, and female criminals of the same order are confined up stairs, in rooms with wooden partitions. Those committed for trial are kept apart from the prisoners. The debtors, persons confined under militia process, and persons convicted of misdemeanors, and sentenced to imprisonment, occupy the remaining portion of the building. When female debtors are incarcerated, apartments are provided for their separate use. In the house of correction the classification of male and female prisoners is attended to, and it is observed and carried into effect in regard to crimes as far as it is possible with the accommodation of the present establishment. It is in contemplation of one of the representatives of the parish to apply during this present session to the government of the island, to make over the barracks of Savanna-la-Mer to the parish of Westmorland, for the purpose of converting it into a house of correction, the buildings being more capacious, the grounds more extensive, and there being a river running through them.

St. Thomas-in-the-Vale—The males and females are confined in separate rooms. The debtors and criminals will have separate apartments when the building is complete.

St. Andrew's—They are classed according to their offences, the men and women are kept in separate wards; criminals and debtors are not sent here; persons committed for trial and those convicted are kept in separate wards.

Manchester—The nature and extent of the classification is as follows: The male and female prisoners are kept apart from each other. Those who have been convicted of felonies, those convicted of misdemeanors, those committed on charge or suspicion of ditto, all vagrants, runaway apprentices and witnesses on behalf of the Crown are kept as distinct and apart from each other as the nature of the apartments in the gaol will permit, as are boys from girls, and prisoners under 12 years of age from adults.

Clarendon—The sexes have no communication with each other; they are locked up in separate apartments, divided by high walls. The young prisoners are always kept apart from the older ones, and criminals are confined in the cells by themselves. There are no debtors, and such prisoners as are committed for trial are invariably kept separate from those who have been convicted.

Portland—In strict conformity with the 5th Will. IV. as far as local arrangements will possibly admit.

Kingston—The county gaol is subdivided, the debtors have their separate rooms and apartments. The criminals are separated, the males from the females. There are seldom any very young criminals in it. Persons committed for trial are not yet separated from those who have been convicted, because the prison arrangements are not yet completed, though they are in progress.

In

No. 9.
Gaols and Houses of Correction.

JAMAICA.

In the house of correction the men and women are kept in separate rooms; no person is received into it but for punishment, and consequently after being tried and convicted.

St. George's—The first additional rule directs that convicts be classified and kept separate by the gaoler as far as circumstances allow. The female prisoners are attended by a female.

Port Royal—From the limited size of the prison no further classification can be carried into effect than the separation of the men from women, and apprentices from free persons.

St. Ann—The men and women occupy separate apartments; no further classification to my knowledge. Debtors have separate apartments.

St. Catherine—There are separate yards and apartments for males and females; no debtors, and few prisoners committed for trial; one confined in the house of correction. There is a tread-mill in the public yard, upon which the men and women work alternately at different periods. The few remaining convicts are in a separate apartment.

The few persons committed for trial are seldom in more than 24 hours, being generally committed one day and brought before a magistrate the next week.

Question, No. 9.—The provision made for the instruction of the prisoners; whether a chaplain is appointed, and whether Bibles or other books are furnished to the prisoners?

Answers:

St. Mary's—Prayers are read every Sunday, either by the rector or one of the dissenting ministers. A schoolmaster has not yet been appointed; but some small books have been offered to them by the dissenting minister, and they have been received; attempts have been made to instruct them by dissenting ministers.

St. Elizabeth—The institution is visited by the rector of the parish; Bibles, 1st and 2d fundamental rudiments of the English language, religious tracts, &c. provided for the use of the inmates.

Vere—The rector of the parish is chaplain to the institution *ex officio*.

Hanover—A chaplain attends for the performance of sacred worship every Sunday. The sentences of the prisoners confined in the gaol and house of correction are generally for hard labour and for short periods, and no school has been established; persons charged with felonies being sent to Montego Bay assize court for trial, and if convicted, imprisoned in the county gaol in that town.

Trelawny—The rector of the parish gives regular attendance to the prisoners on Wednesday in each week. No provision has yet been made for furnishing books to the prisoners.

St. Thomas-in-the-East—A chaplain is appointed with a salary, and Bibles are supplied for any that can read. Prayers, selected from the Liturgy of the Church, must be read every Sabbath-day by some duly qualified person. No manner of work is to be done on this day, except the cooking of victuals, and the necessary ablution of the prisoners and their clothes.

St. James—There are no provisions made for the instruction of prisoners, nor chaplain provided. The rector of the parish officiates sometimes as often as thrice a week in the gaol; the house of correction being at a very inconvenient distance, is seldom seen by a clergyman. There are neither Bibles or books furnished the prisoners of either prison.

Westmorland—No chaplain is appointed, but the rector attends voluntarily between the morning and evening services on Sunday, except when prevented by other duties. No other mode of instruction is adopted.

St. Thomas-in-the-Vale—The rector attends every Sunday morning and reads prayers, with a sermon or lecture. Prayer-books and Bibles are in use, and belong to the institution; catechism is taught every Sunday. None of the prisoners can read.

St. Andrew's—There is no provision made for the instruction of prisoners, further than what is stated in the rules and regulations.

Manchester—No provision has yet been made for the instruction of the prisoners. No chaplain has been appointed, nor have any Bibles or other books been furnished to the prisoners; but they attend Divine service in the parish church on Sundays.

Clarendon—There is no provision made for the instruction of the prisoners, neither are they furnished with Bibles or other books; such would be useless, as not one in a thousand could read them. No chaplain is employed; but as the Established Church joins the prison, the prisoners attend Divine service every Sunday.

Portland—No Bibles or prayer-books are furnished the prisoners, but prayers are read every Sunday to them.

Kingston—The bishop has directed ministers of the Established Church to perform Divine service in the county gaol and house of correction, where a few Bibles and prayer-books are supplied.

St. George's—Religious instruction appointed to be given by the chaplain to the prisoners by 5th Will. IV., c. 8, s. 3 (9th rule).

Port Royal—No provision is made for the instruction of prisoners; the rector attends whenever his services are required by a prisoner. No Bibles or other books are furnished, there being seldom any prisoners confined who can read.

St. Ann—None.

St. Catherine—A clergyman reads prayers weekly; but no Bibles or other books are provided, as few or any of the prisoners can read.

No. 9.
Gaols and Houses of Correction.

JAMAICA.

Question, No. 10.—What means are adopted for securing the visitation of the prisoners by the local magistrates and other authorities; whether those visits are only at stated and pre-arranged periods, or whether the magistrates are in the habit of visiting the gaols at irregular periods, and when their visits would not be expected?

Answers:

St. Mary's—An arrangement has been made for the local magistrates of the parish to take separate turns every quarter to visit the prisoners at all times, and when they are least expected.

St. Elizabeth—The means adopted for securing the visitation of the prisoners by the local magistrates, &c., are laid down by rules framed by the record of magistrates, and the gaol is visited at unstated periods.

Vere—The magistrates' visits are by no means at stated periods, nor are they by any means at pre-arranged periods; their visits are made when least expected. The magistrates take it in rotation to visit by direction of the custos.

Hanover—The whole number of the local magistrates of the parish is divided into four boards, each of which successively takes its turn in forming the petty session court, and visiting the prisoners quarterly. Their visits are made on an average twice a week, at irregular periods, when they are not expected.

Trelawny—Not being aware of any law to enforce the attendance of the local magistracy to visit prisons; but considering it a duty they would willingly perform, at a full meeting of magistrates of this parish, it was mutually agreed that the fourth part of the magistracy should attend alternately quarterly, for the purpose of doing any magisterial duty, and to visit the prisons, or oftener if necessary, at any periods they choose, and myself or a chief magistrate visit those institutions monthly or oftener, at which time I examine every minute contained therein, and the visiting magistrate and myself report the condition of the places in books kept for that purpose.

St. Thomas-in-the-East—There are two visiting justices who visit the house of correction and gaol at irregular periods, and when they are not expected.

St. James—The visits are made by the magistrates at irregular periods.

Westmorland—The routine of the magistrates' duty is divided into quarterly classes, whose visits to the gaol and house of correction are at irregular periods, when their visits would not be expected. The country justices visit it as frequently as they are able to do, and the magistrates in the vicinity of the town of Savanna-la-Mar principally perform their duty.

St. Thomas-in-the-Vale—The magistrates and committee of the house of correction visit whenever they think proper, and frequently when not expected.

St. Andrew—Two magistrates are appointed for each week, and their visits are to be at irregular periods. Any magistrate may visit whenever he pleases, and the stipendiary magistrates visit the institution at their own discretion.

Manchester—There is a rolster for the magistrates, appointing a certain number for each quarter, whose duty it is weekly to inspect the gaol and house of correction; besides which, any of the magistrates visiting Mandeville at uncertain periods, are requested to do so, and report thereon. I never go to Mandeville that I do not do so.

Clarendon—The magistrates of the parish are divided into four equal divisions, 1, 2, 3 & 4. Each division visits the prisoners during the respective quarters of the year answering to the number of the quarters to which such division is appointed. Each magistrate visits when it best suits his convenience, and at each visit enters his name in a book kept for that purpose. The visits are without any prearrangement either with themselves or the prisoners, or at any stated period; their visits, therefore, could not be expected.

Portland—A regular rolster of the magistrates is posted on the prison door, and two attend weekly, always once a week, and on various other days, regular, and often when not expected.

Kingston—The committee appointed to superintend the county gaol and house of correction visit respectively both institutions once a month for general purposes, besides at irregular periods, to hear complaints, and discover and check abuses if any should exist; one of each committee is the daily visiting justice for one week, and each member takes the same routine of duty in succession.

St. George's—The magistrates have no regular time for visiting.

Port Royal—

St. Ann—Answered by the 3d.

St. Catherine—The magistrates visit generally once a week. Monday is the usual day, but visits are also paid on other days.

Question, No. 11.—Whether any means exist for allowing the prisoners to enjoy exercise in the open air?

Answers:

St. Mary's—As much as possible, if they wish to take it.

St. Elizabeth—The prisoners (except those who are committed for solitary confinement) are allowed exercise in the open air in a spacious court-yard, from daylight until sunset.

Vere—The prisoners are allowed daily exercise in the open air, in presence of the superintendent or his assistant.

Hanover—The prisoners in the house of correction are generally under sentence of hard labour, which is performed chiefly on the public highways. Those confined in the gaol have not hitherto been allowed to take exercise in the open air unless it has been ordered by the medical attendant; a small court-yard attached to the gaol is the place where such exercise has been hitherto taken.

Trelawny—

No. 9. Gaols and Houses of Correction.

JAMAICA.

Trelawny—The house of correction and gaol have extensive yards to each establishment, and when the prisoners are not sentenced to close confinement, they have access to these yards for air and exercise.

St. Thomas-in-the-East—All the prisoners have free access during the day to walk about the yard of the house of correction and gaol, except those sentenced by the special justices to solitary confinement.

St. James—Abundant means exist for the enjoyment of air by exercise, which is allowed.

Westmorland—The gaol has a spacious yard for exercise, where the prisoners are allowed to walk. The employment of the prisoners in the house of correction, is in the open air.

St. Thomas-in-the-Vale—When the buildings are complete, the prisoners will have a yard to walk in of nearly a quarter of an acre; sick prisoners are allowed to walk out in the mornings and evenings, in charge of the boatswain.

St. Andrew's—The institution is within walls, and those prisoners who are not with the penal gang, have the benefit of air and exercise at home.

Manchester—The house of correction is surrounded by a large area, a court-yard, in which the prisoners enjoy exercise in the open air.

Clarendon—The custom and rule of the Clarendon house of correction, was, and I hope still is, that every prisoner, except debtors and Crown witnesses, should work for their own support and maintenance, as well as to assist in the expense of the institution. This wholesome, salutary and equitable regulation gives to the prisoners abundant opportunity of enjoying both air and exercise on the cane banks, when digging cane holes, as on the highways when employed in quarrying and carrying stones for their repair.

Portland—Those in the penal gang are out daily; those for solitary confinement have a yard to exercise in occasionally.

Kingston—They go into the open air to enjoy it, and exercise as much as they please, unless when under sentence of death, or on the treadmill, or in solitary confinement.

St. George's—Those persons committed for trial have no means for enjoying exercise in the open air; all others have.

St. Ann—Cannot answer.

Port Royal—

St. Catherine—They work and break stones in the open air, and are only locked up at night, except those who are sentenced to solitary confinement.

St. Mary.

RULES and REGULATIONS for the House of Correction, Gaol, and Hospital attached thereto, in the Parish of *St. Mary*.

1. That a superintendent, overseer, matron, and hospital attendant, with three taskmasters, be employed, with suitable salaries and accommodations within or near the walls of the institution.

2. That none but able-bodied men, of good character, be employed as taskmasters.

3. No person employed in this institution shall, directly or indirectly, supply to any convict or other prisoner food, drink, clothing, or indulgence of any kind, other than directed by law, unless the same be ordered by the special justice, visiting justice, or medical attendant.

4. The female prisoners or inmates within the gaol, house of correction or hospital, are to be under the superintendence of the matron, who must be a woman of good character.

5. The male and female prisoners must be kept separate and apart, whether in the gaol, house of correction, or hospital.

6. The prisoners must be classed as follows:

1st Class. All who have been convicted of felonies.
2d ditto. All convicted of misdemeanors.
3d ditto. All committed on charge or suspicion of ditto.
4th ditto. All vagrants.
5th ditto. All runaway apprentices.
6th ditto. All witnesses on behalf of the Crown.

7. That prayers selected from the Liturgy of the Church, must be read every Sabbath-day, by some duly qualified person. No manner of work to be done on the Sabbath-day except those of necessity; such as the cooking of victuals, and connected with general and personal cleanliness.

8. That the diet of this institution, unless when ordered to the contrary by the special or local visiting justice, or medical attendant, shall consist of plantains or wholesome ground provisions, as yams or cocoas, or such other wholesome food as may be directed by the justices, in times when the above-mentioned articles can only be procured with difficulty, or at high prices, and that prisoners be allowed as follows: Six full-grown plantains for the men, and five for the women; or six pounds weight of ground provisions for the men, and five for the women; and, when other articles of food are supplied, a quantity such as may be deemed sufficient by the visiting justice, and that each prisoner shall, in addition to the above, be furnished daily with a quantity of herrings or shads, as shall be approved of by the visiting magistrate.

9. The allowance of food, as above directed, for each prisoner, shall cease on going into hospital, and such diet only as directed by the medical attendant to be allowed.

10. Convicts, and such prisoners as shall have been directed to work in the penal gang, when working out on the public roads, on estates, or otherwise, not to be allowed to remain out after sunset on any pretence whatsoever.

11. The time of actual labour to be 10 hours, viz. from six o'clock in the morning until five o'clock in the evening, allowing one hour for breakfast.

 12. The

No. 9.
Gaols and Houses of Correction.

JAMAICA.

St. Mary.

12. The prisoners when sick to be removed to the hospital, and, while there, must obey, besides the standing rules of the institution, such directions as the medical attendant may from time to time find necessary to issue.

13. The gates of the institution shall not be opened before five o'clock in the morning, nor be kept open after seven o'clock in the evening, excepting in cases of urgent necessity, such as fire, &c.; at which hours the taskmasters and every other person employed in the institution must be within or near the walls. The superintendent is expected to see this rule strictly adhered to, and forthwith to report any infringement to the visiting justice.

14. That the institution be inspected once in every week, in all its departments, by the justices forming the petit sessions, and that they shall enter their report in a book kept for that purpose: That a standing committee shall be appointed, consisting of 10 justices, three of whom shall form a quorum, and to act for 12 months: That the special justice for the time being shall be requested to form one of the standing committee; such committee to have the more immediate direction of the goal, house of correction, and hospital, and who shall, at least once in every month, thoroughly inspect every department of the same, and examine into all the books of the superintendent, and at every such monthly inspection shall draw up and sign a report on the state of the same.

15. That the medical attendants visit the institution twice in each week, or oftener if necessary, and that they shall lay before the quarter sessions, at each sitting, a report of the state of the gaol and house of correction, as relates to the state of cleanliness and health of the prisoners and inmates.

Superintendent.

1. The superintendent must not quit the institution, unless on business connected with it, without special leave from one of the standing committee, or when compelled by law.

2. The superintendent must, besides adhering strictly to the foregoing regulations, and having them duly carried into effect, take as his guide for general management the rules and regulations as are laid down in the Act, intituled, "An Act for making further Provision for the building, repairing and regulating of Gaols," &c., as far as they are applicable to the gaol, house of correction, and hospital, under his care. And his attention is more particularly called to the necessity of adopting the utmost regularity and cleanliness in every department, and by a firm, yet kind, mode of treatment, insure to himself the respect and obedience of his prisoners. The superintendent must personally attend morning and evening, and see each prisoner who may be in the cells for solitary confinement, at which time he will see the food and allowance of water for each duly delivered.

Overseer and Taskmasters.

1. The overseer and taskmasters will receive orders from the superintendent, and see that the same are promptly carried into effect. Any improper conduct or neglect of duty on their part must be immediately inquired into by the visiting justice or the committee, and punished.

2. One of the taskmasters of the institution must keep watch every night within the walls; viz.

3. The overseer and taskmasters must live in the institution, or in such apartments as the standing committee may allot for them; they are not only expected to be peaceable and orderly themselves, but to maintain peace and good order in the institution; the more effectually to do so they must be sworn in as constables. It is also to be distinctly understood, that they are not to permit any person whatever, themselves and those immediately employed by the public in the institution excepted, to reside or sleep within the premises.

Prisoners.

1. Persons committed for any offence, by any court, or special or other justice, to the house of correction, are not to be permitted to have any intercourse or communication whatever with, or to receive any food from, any persons from without; and furthermore, that, immediately on receipt of a prisoner, a rigid examination of his or her person take place, the body bathed, the hair cut off the whole head as close as possible, and, while in the institution, shall wear the dress of the institution, viz. an Osnaburgh frock over any other wearing apparel, distinctly marked on the back of the same with the words "St. Mary's H. C."

2. No spirituous or other liquors are to be permitted to be brought into the institution, or used by any prisoner or inmate, unless ordered by the medical attendant, or permitted by the visiting justice.

3. No gaming whatever, for amusement or otherwise, to be tolerated or allowed. The prisoners must be all locked up at seven o'clock, P. M., after which no person to be permitted to visit the prison. Unruly prisoners may be put on short allowance by order of a visiting justice, with the concurrence of the medical attendant. The utmost order and strictest silence to be observed by all prisoners, whether employed on the public roads or private property, on the tread-mill or in the other parts of the institution, or at any other description of work: any the slightest infringement of this rule to be punished, if committed within the walls, by the superintendent, without delay, reporting the same to the visiting justice, at his first visit thereafter; if committed without the walls, as soon as the same has been reported by the overseer or taskmaster in charge of the offender at the time the offence was committed, reporting as before to the visiting justice.

Tread-mill.

In working prisoners on the mill, the numbers on and off must be so regulated as not to keep them constantly on for a longer period than what may be ordered by the special or visiting justice. Prisoners, when off the mill, may be permitted to sit down; but on no account to speak or converse with each other, or those without.

Copies

Copies of these rules must be printed and hung up in the office, in the tread-mill house, against the outer door of the solitary cells, and any other part of the institution which a visiting justice or the standing committee may direct, and that each magistrate be furnished with a copy of the same. Any person contravening either of the foregoing rules, or misbehaving himself or herself, refusing or neglecting to obey orders, or committing any other offence, may be tried and punished by dismissal, forfeiture of wages or salary, labour on the tread-mill, confinement in the solitary cells, to be fed or not on boiled corn or plantains and water, or being put on short allowance of food, as a visiting justice or the committee shall determine.

No. 9. Gaols and Houses of Correction.

JAMAICA.

St. Mary.

AT a Meeting of Magistrates convened at *Lacovia, St. Elizabeth*, 18 July 1834, by his Honor the Custos, to take into consideration the State of the Prison Discipline, it was Resolved,

St. Elizabeth.

1. That no person, not being prisoners or delinquents, be suffered to be inmates of the gaol or workhouse except the gaoler and his assistants, and the supervisor and his assistants.
2. That no person be allowed to visit the prison, except by permission of the magistrates or the clerk of the peace, except the rector and curates.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.
4. That each prisoner retires to his own apartment at six o'clock in the evening, except debtors, who are allowed until eight o'clock.
5. That no tobacco, spirits or malt liquor be allowed to criminals, unless by direction of the doctor.
6. Cleanliness must be attended to, it is necessary for the health of the prisoners, and every apartment must be kept clean, and the beds made up by eight o'clock in the morning, and the bedding to be aired twice a week.
7. That the gaoler be a permanent resident.
8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.
9. That the undermentioned gentlemen be appointed visiting magistrates to inspect the gaol and workhouse three times in each week, and that their attendance at the prison and workhouse be in their routine of duty, and at uncertain times, and at unexpected hours.

From July Sessions to October Sessions:

Worshipful Robert Watt.	Worshipful Henry Clutterbuck Forbes.
— Alexander Dewar.	— Thomas Wheatle.
— William Ridgard.	

From October Sessions to January Sessions 1835:

Honourable John Salmon.	Worshipful Thomas Warren Anderson.
Worshipful William Alexander Rose.	— James Blair.

From January Sessions to April Sessions:

Worshipful James Miller.	Worshipful William Finlason.
— George Marcy.	— Isaac Isaacs.
— Hugh Ritchie Wallace.	

From April Sessions to July Sessions:

Worshipful Edward Francis Coke.	Worshipful Edward Smith.
— Alexander Thomson.	— Thomas M'Cracken esquires.

Ordered, That a copy of the above resolutions and routine of duty be supplied by the clerk of the peace to each magistrate, and to the deputy marshal and supervisor of the workhouse.

By order,

To ————, esquire. *C. L. Ramson*, D. C. P.

THE following are the RULES and REGULATIONS attended to in the Management of the *Vere* House of Correction and Gaol.

Vere.

1. No person, not being an inmate, is ever permitted to remain in the gaol.
2. No person is ever allowed to visit the prisoners without an order from a magistrate or the clerk of the peace, and always in the presence of the superintendent or his assistant.
3. The apartments are closed every evening at eight o'clock and opened at six A. M.
4. No tobacco, spirits of any sort, or malt is ever permitted in the gaol.
5. Culprits sentenced to the house of correction have their hair closely cut, they have a gaol dress to put on, and their own clothes are washed and locked up until their term of punishment has expired.
6. The gaoler is always a permanent resident.
7. The apartments are cleaned every morning in the presence of the superintendent or his assistant.
8. The males and females are kept separate and apart; they are worked separately on the treadwheel when there is a sufficient number to be divided, when otherwise they are worked together. The prisoners are allowed to bathe every second day; the males and females on separate days.
9. The institution is visited by a medical man once a week, and oftener whenever there is occasion.

W. D. Burke, Superintendent.

No. 9. Gaols and Houses of Correction.

JAMAICA.

Vere.

THE following are the RULES and REGULATIONS laid down by the Magistrates for the Management of the House of Correction and Gaol.

1. That no persons, not being prisoners, be suffered to be inmates of the gaol, except the gaoler and his assistants.
2. That no person be allowed to visit the prison except by permission of the magistrates or the clerk of the peace.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.
4. That each prisoner retire to his own apartment at eight o'clock in the evening.
5. That no tobacco, spirits or malt be allowed to criminals, except by the directions of the doctor.
6. Cleanliness must be attended to, it is necessary to the health of the prisoners, and every apartment must be kept clean, and the beds made up by eight o'clock in the morning.
7. That the gaoler be a permanent resident.
8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.
9. That the undermentioned gentlemen be appointed visiting committees, and that their attendance at the prison be at uncertain times and unexpected hours.
10. That these resolutions be printed, and that the clerk of the peace furnish the deputy marshal and each magistrate with a copy.

Hanover.

ADDITIONAL REGULATIONS for the Management of the *Hanover* Gaol and House of Correction, made by the Magistrates in Special Sessions, and now in force.

1. That no persons, not being prisoners, be suffered to be inmates of the gaol, except the gaoler and his assistants.
2. That no persons be allowed to visit the prison except by permission of the magistrates or the clerk of the peace.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.
4. That each prisoner retire to his own apartment before eight o'clock in the evening.
5. That no tobacco, spirits or malt be allowed to criminals, unless by direction of the doctor.
6. Cleanliness must be attended to, it is necessary for the health of the prisoners, and every apartment must be kept clean.
7. That the gaoler be a permanent resident.
8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.
9. That the undermentioned gentlemen be appointed visiting committees, and that their attendance at the prison be at the following periods, at uncertain times, and at unexpected hours.

[*Here follow the names of the visiting magistrates.*]

Trelawny.

THE following RULES and REGULATIONS for the Government of the *Trelawny* Gaol, were made at a Special Session of the Peace, held at Falmouth, on the 21st day of July 1835.

1. The gaoler being furnished with a copy of the Act intituled, "An Act for making further Provision for the building, repairing, and regulating Gaols, Houses of Correction, Hospitals and Asylums," is directed to make the provisions of such law the general rule for his guidance.
2. The gaoler or under gaoler and matron are to reside at the prison, in such apartments as the magistrates may direct, and are not to carry on, or any person for them, any other business or occupation.
3. The gaoler shall not allow male and female prisoners (whether debtors or others) to occupy the same room. The matron invariably to attend the female prisoners, or if on emergency the gaoler is required, he shall in all cases be accompanied by a female.
4. The beds to be made, and apartments cleaned and properly aired, by eight o'clock every morning. All unoccupied rooms to be kept open for ventilation, and the prisoners to be allowed as much air and exercise as may be required for their health, consistent with their safety.
5. A full and complete diary shall be kept by the gaoler, in which shall be recorded every occurrence and transaction within the walls of the prison, proper for the notice of the visiting magistrates.
6. Prisoners committed for capital offences, and those for misdemeanors only, are to be classed and kept in separate apartments, in order that they shall have no opportunity of conversation or intercourse. The classification to be, as far as practicable, according to the sixth section of the third clause of the Act referred to.
7. The doctor is expected to visit the gaol once a day, or oftener, if required; a medical book shall be kept to record his visits and prescriptions, which the gaoler is required to see duly administered by the matron. The food served to the prisoners (those for debt excepted), is to be inspected, and approved of by the doctor. Usual gaol allowance to be,

one

one quart of corn or cornmeal, and half a shad or one herring per day, or such other wholesome food as may be ordered.

8. Upon the death of a prisoner, or inmate, notice shall immediately be given to the coroner and one of the visiting magistrates.

9. The clothing, bedding, and other necessaries, procured by or furnished to the prisoners, shall be particularly examined by the gaoler, and be such as cannot communicate disease or infection, or facilitate escape.

10. Licensed ministers of the Gospel, of every denomination, may be admitted to visit the prisoners belonging to their respective congregations at all times between the hours of eight in the morning and sunset, except during the hours appointed by the officiating clergyman for public prayers.

11. No person, except as stated in the preceding rule, is to be admitted without a written authority from a magistrate, or the clerk of the peace; which, however, shall not take place before eight in the morning, or after sunset. The gates to be kept always locked, and the keys in custody of the gaoler.

12. No tobacco, spirits, or malt liquor, shall be allowed to criminals, unless by direction of the doctor; and no spirituous liquors of any kind shall be sold or bartered within the prison walls.

13. No gambling to be permitted, either in the gaoler's or prisoners' apartments. All cards, dice, and other instruments of gambling, are to be destroyed.

14. No person whatever shall be an inmate of the prison, except the gaoler, his attendants, and prisoners.

15. Any prisoners offending against the above rules, or the enactments of the law referred to, are to be dealt with according to the 13th clause of the said Act.

16. Any officer or person connected with the said gaol establishment, neglecting or infringing these rules and regulations, the provisions of the Act referred to, or otherwise misconducting themselves, shall be subject to immediate dismissal, according to the ninth clause of the said Act.

By order,

Wm. Holder,
Clerk of Peace, Trelawny.

RULES and REGULATIONS for the House of Correction, and Hospital attached thereto, in the Parish of *Trelawny*.

1. That a superintendent, matron and hospital attendant, with three task-masters, be employed, with suitable salaries and accommodations within the walls of the institution.

2. The superintendent must not quit the institution, unless on business connected with it, without special leave from a justice of the peace.

3. The superintendent is directed to take for his general guidance the rules and regulation as laid down in the Act, intituled "An Act for making further Provision for the building, repairing and regulating of Gaols," &c., as far as they are applicable to this institution, and his attention is particularly called to the necessity of adopting a uniform system in the several departments of his office (giving especial care and attention to the cleanliness and food of the prisoners), and by a firm yet mild mode of treatment, insure to himself at once their respect and obedience.

4. The superintendent must personally attend morning and evening, and see each prisoner who may be in the cells for solitary confinement, at which time he will also see the food and allowance of water for each duly delivered.

5. No person employed in this institution shall be concerned, directly or indirectly, in any other trade or occupation, or have any interest in any contract or agreement for the supply of any article for the same, or derive any benefit or advantage from the hiring of servants, or, directly or indirectly, supply to any convict, or other person, food, drink, clothing or indulgence of any kind (other than directed by law), unless the same be ordered by the special justice, visiting justice, or medical attendant.

6. The task-masters will receive orders from the superintendent, and see that the same are promptly carried into effect. Any improper conduct, or neglect of duty, on their part, must be immediately inquired into by the visiting justice or justices, and punished accordingly, by being mulct of his or their pay, to such amount as any two or more justices may award.

7. The task-masters must reside and sleep within the walls.

8. The task-masters are expected not only to be peaceable and orderly themselves, but to maintain peace and good order in the institution. The more effectually to do so, they must be sworn in as constables. It is also to be distinctly understood, that they are not to permit any person whatever (themselves and those immediately employed by the public in the institution excepted,) to reside or sleep within the walls of the institution.

9. That the medical attendant visit the institution daily, or oftener if necessary.

10. That the following classification of prisoners be adhered to, and followed, as far as the means of the institution will enable the superintendent to do so:—

First, Prisoners convicted of felony.
Second, Prisoners convicted of misdemeanors.
Third, Prisoners committed on charge of suspicion of felony.
Fourth, Prisoners committed on charge of suspicion of misdemeanors.
Fifth, Vagrants.
Crown witnesses to be kept separate.

11. That immediately upon the receipt of any prisoner, he or she shall be furnished with

and shall wear the dress of the institution; viz. An Osnaburgh frock, over any other wearing apparel, distinctly marked on the back of the same with the word "Trelawny." The females sentenced to the tread-mill to be furnished with trowsers during the period of such punishment.

12. That the male and female prisoners must be kept separate and apart, whether in the house of correction or hospital.

13. The female prisoners or inmates within the house of correction or hospital are to be under the superintendence of the matron.

14. That the superintendent or other officer shall not visit the female prisoners, except in the presence of the matron or other female officer or person of the institution.

15. That prayers, selected from the Liturgy of the Church, must be read every Sabbath-day, by the chaplain, or some other duly qualified person to be appointed by him. No manner of work to be done on the Sabbath-day, except those of necessity, such as the cooking of victuals, and connected with general and personal cleanliness. Licensed ministers of the Gospel, of every denomination, may be admitted to visit the prisoners belonging to their respective congregation, at all times between the hours of eight of the clock in the morning and sunset, except during the hours appointed by the officiating clergyman for public prayers.

16. That the diet of the institution, unless ordered to the contrary by the special or local visiting justice, or medical attendant, shall consist of one quart of corn or cornmeal, and half a shad, or one herring, or such other wholesome food as may be directed by the justices, and that no other be permitted to be received from any other person whomsoever.

17. That the allowance of food, as above directed for each prisoner, shall cease on going into hospital, and such diet only as regulated by the medical attendant, shall be then allowed.

18. The time of actual labour to be 10 hours, viz. from six o'clock in the morning until five o'clock in the evening, allowing one hour for breakfast.

19. Convicts, and such prisoners as shall have been directed to work in the penal gang, when working on the public roads, or estates, or otherwise, not to be allowed to remain out after sunset on any pretence whatever.

20. The utmost order and strictest silence to be observed by all prisoners, whether employed on the public roads, or private property, or the tread-mill, or in other parts of the institution, or any other description of work; nor be permitted to hold any intercourse or communication with any person from without.

21. That no spirituous liquors, malt, or wine be sold in prison, or admitted, unless by order of the medical attendant.

22. That no gaming whatever, for amusement or otherwise, be tolerated or allowed.

23. In working prisoners on the tread-mill the numbers on and off must be so regulated as not to keep them on at any one time for a longer period than 15 minutes. No corporal punishment is to be inflicted, unless ordered by a special or visiting justice, and then only when every other mode of punishment has been tried and failed.

24. Prisoners when off the mill are to resume their former labour.

25. Unruly prisoners may be put on short allowance by order of a visiting justice.

26. If the superintendent shall find it necessary to place any prisoner in solitary confinement, or in irons, he shall forthwith report the same to one of the visiting justices.

27. The prisoners must all be locked up at sunset, after which no person shall be permitted to visit the institution.

28. That no person (other than those already specified) be admitted within the walls of the institution, without an order from a justice of the peace, under any pretence whatever.

29. The prisoners when sick to be removed to the hospital, and while there, must obey, besides the standing rules of the institution, such directions as the medical attendant may from time to time find necessary.

30. In the event of the death of any prisoner, notice to be forthwith given to one of the visiting justices, and the coroner.

31. That no money be taken from any prisoner, on his or her entrance, by the name of "garnish," or any other term.

32. That all the apartments of the institution shall be cleaned, and scraped and lime-washed once in every six months. The rooms, passages and sleeping cells, to be cleaned and aired once in each day, or oftener if required.

33. The gates of the institution shall not be opened before five o'clock in the morning, nor be kept open after six o'clock in the evening (except in cases of urgent necessity, such as fire, &c.), at which time the task-masters, and every other person employed in the institution, must be within the walls. The superintendent is expected to see this rule strictly adhered to, and forthwith to report any infringement to the visiting justice.

34. That the institution be inspected at least once in every week, in all its departments, by the visiting justice or justices, and that they enter their report in a book to be kept for that purpose, and examine into the books of the superintendent; and at each such inspection shall draw up and sign a report on the state of the same.

35. That a journal shall be kept, in which the superintendent shall record the hours of attendance, and the daily visits to the cells, by himself and the other officers of the institution; also a record of the offenders, their offences; and also all punishments inflicted by his authority, and all other circumstances of importance; which journal shall be produced to the justices every quarter or special sessions, and signed by the chairman thereof.

36. That the foregoing rules be printed, and a copy thereof furnished to each of the visiting justices, and also to the several officers of the institution.

By order,

Wm. Holder, Clerk of the Peace, Trelawny.

No. 9.
Gaols and Houses of Correction.

JAMAICA.

St. Thomas-in-the East.

RULES and REGULATIONS for the House of Correction in the Parish of *St. Thomas-in-the-East.*

1. No person employed in this institution is to carry on any trade or business, or have any interest in any contract or agreement.

2. None but able-bodied men, of good character, to be employed as boatswains.

3. The female prisoners or inmates are to be under the superintendence of a matron, who must be a decent woman, of good character.

4. The male and female prisoners must be kept separate and apart from each other.

5. The prisoners must be classified as follows:

First Class. All who have been convicted of felonies.
Second ditto. All convicted of misdemeanors.
Third ditto. All committed on charge or suspicion of misdemeanors.
Fourth ditto. All vagrants.
Fifth ditto. All runaway apprentices.
Sixth ditto. All witnesses on behalf of the Crown.

6. Prayers selected from the Liturgy of the Church must be read every Sabbath-day, by some duly-qualified person. No manner of work is to be done on this day, except the cooking of victuals, and the necessary ablutions of the prisoners and their clothes.

7. That the diet of this institution, unless when ordered to the contrary by the visiting justice or medical attendant, shall consist of plantains, or wholesome ground provisions, as yams or cocoas, or such other wholesome food as may be directed by the justices, in times when the above-mentioned articles can only be procured with difficulty, or at high prices. And that prisoners be allowed as follows: six grown plantains for the men, and five for the women; or six pounds weight of ground provisions for the men, and five for the women. And when other articles of food are supplied, a quantity such as may be deemed sufficient by the visiting justice; and that each prisoner shall, in addition to the above, be furnished daily with one herring, or other fish in proportion.

8. The allowance of food, as above directed, for each prisoner, shall cease on going into the hospital, and such diet only as directed by the medical attendant to be allowed.

9. The hours of labour are to be 10; viz. from six o'clock A.M. to five P.M., allowing one hour, from ten to eleven o'clock, for breakfast.

10. No corporal punishment is to be inflicted, unless ordered by a special or visiting justice, and only by the latter when every other mode of punishment has been tried and failed.

11. The gates of the institution shall not be opened before five o'clock A.M., nor be kept open after eight P.M., excepting cases of urgent necessity, such as fire, &c., at which hour the boatswain, and every other person employed in the institution, must be within the walls. The superintendent is expected to see this rule strictly adhered to, and forthwith report every infringement to the visiting justice.

12. The visiting hours are from eight A.M. to six P.M.

13. The superintendent must keep a journal, in which is to be recorded all punishments inflicted by his authority, or by that of a visiting justice, and the day the same was inflicted; the names of all prisoners wrought on the tread-mill; the portion of time each prisoner was so wrought during each day. The names of persons who have suffered solitary confinement; the period of time each was confined in each day, and also the offences for which they were severally wrought on the tread-mill, confined in the solitary cells, or otherwise punished. He must also enter in the said journal all punishments inflicted by order of the special justice or the sitting magistrates for the week, the names of the persons so punished, and the offences of which they had been convicted; which journal is to be laid before the justices for their inspection at the quarter or special sessions, and signed by the chairman of such quarter or special sessions, in proof of its having been there produced.

14. Should the superintendent have occasion to put a prisoner in irons, or solitary confinement, or keep him during his period of relaxation on the tread-mill, he must report the same to the visiting justice, at his first visit after the same shall have been done.

15. On the death of an inmate or prisoner, notice must be given forthwith to the visiting or nearest justice, and to the coroner.

16. The superintendent must, besides adhering strictly to the foregoing regulations, and having them duly carried into effect, take as his guide for general management the rules and regulations as are laid down in the Act, intituled, "An Act for making further Provision for the building, repairing and regulating of Gaols, Houses of Correction, Hospitals and Asylums," as far as they are applicable to this institution under his care; and his attention is more particularly called to the necessity of adopting the utmost regularity and cleanliness in every department, and by a firm yet kind mode of treatment, insure to himself the respect and obedience of his prisoners. The superintendent must personally attend morning and evening, and see each prisoner who may be in the cells for solitary confinement, at which time he will see the food and allowance of water for each duly delivered.

17. The overseer and boatswains will receive orders from the superintendent, and see that they are promptly carried into effect.

18. Any improper conduct or neglect of duty on their part, must be immediately inquired into by the visiting justice, and punished.

19. The boatswains of the institution must keep watch every night, alternately, within the walls; viz. one from eight to eleven o'clock P.M.; one from eleven to two A.M.; one from two to five A.M.

No. 9. Gaols and Houses of Correction.

JAMAICA.

St. Thomas-in-the-East.

20. The overseer and boatswains are not only expected to be peaceable and orderly themselves, but to maintain peace and good order in the prison. It is also distinctly to be understood, that they are not to permit any person whatever (themselves and those immediately employed by the public in the institution excepted) to reside or sleep in the premises.

21. Persons committed for any offence, by any court, or special or other justice, and runaway apprentices, are not to be permitted to have any intercourse or communication whatever with, or to receive any food from any persons from without.

22. No spirituous or other liquors are to be permitted to be brought into the institution, or used by any prisoner or inmate, unless ordered by the medical attendant, or permitted by the visiting justices.

23. No gaming, whether for amusement or otherwise, to be tolerated or allowed.

24. The prisoners must all be locked up at sunset, after which no person can be permitted to visit the prison.

25. Unruly prisoners may be put on short allowance, by order of a visiting justice, with the concurrence of the medical attendant.

26. The utmost order and strictest silence are to be observed by all prisoners, whether employed in the streets, on the tread-mill, or in any other part of the institution, or at any other description of work. Any the slightest infringement of this rule to be punished, if committed within the walls, by the superintendent, without delay, reporting the same to the visiting justice at his first visit thereafter; if without the walls, as soon as the same has been reported by the overseer or boatswain in charge of the prisoner at the time the offence was committed, reporting as before to the visiting justice.

27. In working the prisoners on the mill, the numbers on and off must be so regulated as not to keep them on for a longer period than may be ordered by the visiting magistrates.

28. Prisoners when off the mill are to be permitted to sit down, but on no account to speak to or converse with each other.

29. Copies of these rules must be printed and hung up in the office, in the tread-mill shed, against the outer door of the solitary cells, and any other part of the institution which a visiting justice might direct, and that each magistrate be furnished with a copy of the same.

REGULATIONS for *St. James*'s Gaol and Workhouse.

St. James's.

AT a Special Session of the Peace, convened at the Court-House, in the Town of *Montego Bay*, on Monday the 21st day of July 1834, to take into consideration the State of the Prison Discipline.

His Honor the Custos in the Chair.

It was Resolved:—

1. That no person, not being prisoners, be suffered to be inmates of the gaol, except the gaoler and his servants.

2. That the visits of strangers to the prisoners be regulated by the visiting magistrates.

3. That each prisoner do retire to his own apartment at eight o'clock in the evening, and remain there till daylight next morning.

4. That no tobacco, spirits, malt or other strong liquors, be allowed to criminals under sentence, unless by direction of the physician of the gaol.

5. Cleanliness is necessary for the health of the prisoners, and every department must be kept clean, and the beds made up by eight o'clock in the morning.

6. That the gaoler do reside in the gaol.

7. That books and writing materials be kept at the gaol and workhouse, for the visiting magistrates to enter their approval or disapproval of the management of the said gaol and workhouse.

8. That the undermentioned justices be appointed visiting committees of the gaol and workhouse, and that their attendance be at uncertain times, at least three times in the week, during the following periods; viz.

From July Session to October Session.

Thomas Jos. Gray
George Longmore
Joseph Robert Bowen
John Tharp
P. A. Morris.
Samuel Anderson
Henry A. Plummer
Alexander Holmes, and
James Geddes.

From October Session to January Session.

George M'F. Lawson, sen.
George Gordon
Robert Watt
Joseph Bowen
Philip A. Scarlett
James Dunstone
James Gordon
James Fowler, and
John Campbell.

From January Session to April Session.

John Coates
John S. Waite
B. H. Tharp
John Manderson
James Gray
Chas. O'Conner
Francis B. Gibbes
Richard Hill, and
William Norcott.

From

No. 9.
Gaols and Houses of Correction.

JAMAICA.

St. James's.

From April Session to July Session.

Henry W. Plummer	Samuel C. Gray
Wm. M. Kerr	Samuel M. Barrett
A. Campbell (Schaw-castle)	George Cragg, and
William Gordon	Lawrence Hislop, Esquires.
John Cleghorn	

10. That these Resolutions be printed, and that the clerk of the peace furnish the deputy marshal and each magistrate with a copy.

RULES and REGULATIONS for the *Westmorland* Gaol and House of Correction.

Westmorland.

August 1834.—At a Special Session of the Peace, held at the Court-House, by order of the Custos, to take into consideration the State of the Prison Discipline,

It was Resolved:

1. That no person, not being prisoners, shall be suffered to be inmates of the gaol, except the gaoler and assistants.
2. That no person be allowed to visit the prison, except by permission of the magistrates or clerk of the peace.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors shall leave before or by six o'clock in the evening.
4. That each prisoner retire to his own apartment at eight o'clock in the evening.
5. That no tobacco, spirits or malt, be allowed to criminals, unless by direction of the medical attendant.
6. That cleanliness be most strictly attended to in every detail.
7. That the gaol-keeper be a permanent resident.
8. That a book for making visiting entries and remarks for the use of the visiting magistrates and the doctor, be kept at the gaol and the house of correction.
9. That the undermentioned magistrates be appointed visiting committees, and that their attendance at the two establishments be at the following periods, at uncertain times and at unexpected hours.

From July to October.

John Lewis King, Esq.	Robert Locke, Esq.
Hutchinson Scott, Esq.	Wm. Tharpe, Esq.
Richard H. Harvey, Esq.	Fred. Cooper, Esq.
Wm. Ridgard, Esq.	

From October to January.

William Williams, Esq.	Thomas Jelly, Esq.
Samuel Spence, Esq.	James Wm. Fraser, Esq.
Alexander Fraser, Esq.	

From January to April.

George Kirlew, Esq.	David Mason, sen., Esq.
John Jones, Esq.	Thomas Drummond, Esq.
James Grant, Esq.	

From April to July.

John Falconer, Esq.	Thomas M'Neel, Esq.
Henry Distin, Esq.	Wm. M. Spence, Esq.
P. S. Samuells, Esq.	John M'Creath, Esq.

10. That these Resolutions be printed, and that the clerk of the peace furnish the deputy marshal and each magistrate with a copy.

RULES and REGULATIONS for the House of Correction, Gaol and Hospital attached thereto, in the Parish of *St. Thomas-in-the-Vale.*

St. Thomas-in-the-Vale.

1. That a superintendent, overseer, matron and hospital attendant, with three taskmasters, be employed, with suitable salaries and accommodations within the walls of the institution.
2. That none but able-bodied freemen, of good character, be employed as taskmasters.
3. No person employed in this institution shall be concerned, directly or indirectly, in any other trade or occupation, or have any interest in any contract or agreement for the supply of any articles for the same, or directly or indirectly supply to any convict or other prisoner, food, drink, clothing, or indulgence of any kind, other than directed by law, unless the same be ordered by the special justice, visiting justice or medical attendant.
4. The female prisoners, or inmates within the gaol, house of correction or hospital, are to be under the superintendence of the matron, who must be a woman of good character.
5. The male and female prisoners must be kept separate and apart, whether in the gaol, house of correction or hospital.

No. 9.
Gaols and Houses of Correction.

JAMAICA.

St. Thomas-in-the-Vale.

6. As soon as the necessary buildings, alterations or additions, have been completed, the prisoners must be classed as follows:

1st Class. All who have been convicted of felonies.
2d ditto. All convicted of misdemeanors.
3d ditto. All committed on charge or suspicion of ditto.
4th ditto. All vagrants.
5th ditto. All runaway apprentices.
6th ditto. All witnesses on behalf of the Crown.

7. That prayers selected from the Liturgy of the Church, must be read every Sabbath-day, by some duly qualified person. No manner of work to be done on the Sabbath-day, except those of necessity, such as the cooking of victuals, and connected with general and personal cleanliness.

8. That the diet of this institution, unless when ordered to the contrary by the special or local visiting justice, or medical attendant, shall consist of plantains or wholesome ground provisions, as yams or cocoas, or such other wholesome food as may be directed by the justices, in times when the above-mentioned articles can only be procured with difficulty, or at high prices; and that prisoners be allowed as follows: 5 lbs. avoirdupois, per diem, men; 4 ½ lbs. avoirdupois, women; when other articles of food are supplied, a quantity such as may be deemed sufficient by the visiting justice, and that each prisoner shall, in addition to the above, be furnished daily with one herring or half a shad.

9. The allowance of food, as above directed for each prisoner, shall cease on going into hospital, and such diet only as directed by the medical attendant to be allowed.

10. Convicts and such prisoners as shall have been directed to work in the penal gang, when working out on the public roads, on estates or otherwise, not to be allowed to remain out after sunset, on any pretence whatsoever.

11. The time of actual labour to be 10 hours; viz. from six o'clock in the morning until five o'clock in the evening, allowing one hour for breakfast.

12. The prisoners when sick to be removed to the hospital, and, while there, must obey, besides the standing rules of the institution, such directions as the medical attendant may from time to time find necessary to issue.

13. The gates of the institution shall not be opened before five o'clock in the morning, nor be kept open after seven o'clock in the evening, excepting in cases of urgent necessity, such as fire, &c.; at which hours the taskmasters, and every other person employed in the institution, must be within the walls. The superintendent is expected to see this rule strictly adhered to, and forthwith to report any infringement to the visiting justice. The visiting hours are from eight o'clock A.M., until four o'clock P.M.

14. That the institution be inspected once in every week, namely, on every Saturday, in all its departments, by the justices forming the petit sessions, and that they shall enter their report in a book kept for that purpose. That a standing committee shall be appointed, consisting of seven justices, three of whom shall form a quorum, and to act for 12 months. That the special justice for the time being shall be requested to form one of the standing committee; such committee to have the more immediate direction of the gaol, house of correction and hospital, and who shall, at least once in every month, thoroughly inspect every department of the same, and examine into all the books of the superintendent; and at every such monthly inspection shall draw up and sign a report on the state of the same.

15. That the medical attendant visit the institution twice in each week, or oftener if necessary, and that he shall lay before the quarter-sessions, at each sitting, a report of the state of the gaol and house of correction, as relates to the state of cleanliness and health of the prisoners and inmates.

Superintendent.

1. The superintendent must not quit the institution unless on business connected with it, without special leave from one of the standing committee.

2. The superintendent must, besides adhering strictly to the foregoing regulations, and having them duly carried into effect, take as his guide for general management, the rules and regulations as are laid down in the Act, intituled "An Act for making further Provision for the building, repairing and regulating of Gaols," &c. as far as they are applicable to the gaol, house of correction and hospital, under his care. And his attention is more particularly called to the necessity of adopting the utmost regularity and cleanliness in every department, and by a firm, yet kind, mode of treatment, insure to himself the respect and obedience of his prisoners. The superintendent must personally attend morning and evening, and see each prisoner who may be in the cells for solitary confinement, at which time he will see the food and allowance of water for each duly delivered.

Overseer and Taskmasters.

1. The overseer and taskmasters will receive orders from the superintendent, and see that the same are promptly carried into effect. Any improper conduct or neglect of duty on their part, must be immediately inquired into by the visiting justice or the committee, and punished.

2. The taskmasters of the institution must keep watch every night within the walls; viz., one from eight to eleven o'clock P.M.; one from eleven to two A.M.; one from two to five A.M.

3. The overseer and taskmasters must live in the institution, in such apartments as the standing

standing committee may allot for them; they are not only expected to be peaceable and orderly themselves, but to maintain peace and good order in the institution: the more effectually to do so, they must be sworn in as constables. It is also to be distinctly understood, that they are not to permit any person whatever, themselves and those immediately employed by the public in the institution excepted, to reside or sleep within the premises.

St. Thomas-in-the-Vale.

Prisoners.

1. Persons committed for any offence, by any court, or special or other justice, to the house of correction, are not to be permitted to have any intercourse or communication whatever with, or to receive any food from, any persons from without; and furthermore, that, immediately on receipt of a prisoner, a rigid examination of his or her person take place, the body bathed, the hair cut off the whole head as close as possible, and, while in the institution, shall wear the dress of the institution; viz., an Osnaburgh frock over any other wearing apparel, distinctly marked on the back of the same, with the words "St. Thomas-in-the-Vale."

2. No spirituous or other liquors are to be permitted to be brought into the institution, or used by any prisoner or inmate, unless ordered by the medical attendant, or permitted by the visiting justice.

3. No gaming whatever for amusement, or otherwise, to be tolerated or allowed. The prisoners must be all locked up at sunset, after which no person to be permitted to visit the prison. Unruly prisoners may be put on short allowance by order of a visiting justice, with the concurrence of the medical attendant. The utmost order and strictest silence to be observed by all prisoners, whether employed on the public roads or private property, on the tread-mill or in the other parts of the institution, or at any other description of work. Any the slightest infringement of this rule to be punished, if committed within the walls, by the superintendent without delay reporting the same to the visiting justice at his first visit thereafter; if committed without the walls, as soon as the same has been reported by the overseer or taskmaster in charge of the offender at the time the offence was committed, reporting, as before, to the visiting justice.

Tread-mill.

In working prisoners on the mill, the numbers on and off must be so regulated as not to keep them constantly on for a longer period than what may be ordered by the special or visiting justice. Prisoners, when off the mill, may be permitted to sit down, but on no account to speak or converse with each other.

Copies of these rules must be printed and hung up in the office, in the tread-mill house, against the outer door of the solitary cells, and any other part of the institution which a visiting justice or the standing committee may direct, and that each magistrate be furnished with a copy of the same. Any person contravening either of the foregoing rules, or misbehaving himself, or herself, refusing or neglecting to obey orders, or committing any other offence, may be tried and punished by dismissal, forfeiture of wages, or salary, labour on the tread-mill, confinement in the solitary cells, to be fed or not on boiled corn, or plantains and water, or being put on short allowance of food, as a visiting justice or the committee shall determine.

RULES and REGULATIONS for the House of Correction in the Parish of *St. Andrew*, August 1st, 1834.

St. Andrew.

1. That there shall be prayers read to all the inmates of the institution twice a week, by a clergyman or licensed catechist, and any indecorous behaviour during the time of worship to be reported to the special magistrate.

2. Any apprentice ordered for hard labour shall be kept at such for the period he or she may be directed, and those ordered to solitary confinement shall be kept in the cell and fed upon bread and water, or otherwise as may be ordered by the special justice.

3. That the sexes shall be confined in separate wards, and the use of ardent spirits prohibited, together with the smoking of tobacco; and no noise or talking to be allowed.

4. That all corporal punishment shall be inflicted as the magistrate may direct, without partiality, favour or affection.

5. That in case of a prisoner complaining of sickness, it shall be immediately reported to the medical officer, whose directions shall be attended to in regard to medicine and nourishment, and that the nature of the patient's treatment be entered in a book to be kept for that purpose, stating the date of entry and discharge from hospital.

6. That in case of the death of any prisoner, a report to be immediately made to the coroner of the parish, whose directions respecting the body shall be attended to.

7. That a report shall be made to the special magistrate weekly of the conduct and treatment of each prisoner, stating the date they were secured and the time their sentence would expire.

8. That should any prisoner be wishful to make a complaint to the magistrate, they, as as well as all those who the prisoner may consider capable of giving testimony in order to establish said complaint, shall be conducted before the special justice at the first sitting thereafter.

9. That the penal gang shall be allowed a sufficient quantity of food and salt provisions, and time to eat the same, with as much good water as they can drink at all times; and the food shall be varied if required by directions of the magistrates or medical officer.

No. 9. Gaols and Houses of Correction.

JAMAICA.

St. Andrew.

10. That the penal gang shall not leave the institution before gun-fire in the morning, nor return later than sunset; and during the time they are at work they shall not be permitted to receive anything from their friends or passengers, nor hold any conversation with them, either on their way going or coming from work, nor be found loitering on the road.

11. That silence and good order and subordination shall at all times be observed in the institution, and all prisoners be locked up previous to eight o'clock at night.

12. That a matron shall be appointed to attend to the female prisoners, keep their cells clean, see that there is a pail of good water kept constantly therein, with an empty tub, and that their food is regularly supplied them, and the doors kept locked, and no communication with any other of the prisoners allowed; and that the boatswain attend to the male prisoners in like manner.

(signed) *John Mais*, Custos.
Joseph Gordon.
Samuel Lloyd.

Manchester.

RULES for the Government of the *Manchester* Gaol and House of Correction, in aid of those established by Law. Agreed to at a meeting of Magistrates convened for the purpose of framing them, 28th July 1835.

1. None but able-bodied free men of good character to be employed as boatswains.

2. The female prisoners or inmates are to be under the superintendence of a matron, who must be a decent woman of good character.

3. The male and female prisoners must be kept separate and apart from each other.

4. Those who have been convicted of felonies, those convicted of misdemeanors, those committed on charge or suspicion of misdemeanors; all vagrants, runaway apprentices and witnesses on behalf of the Crown, to be kept as distinct and apart from each other as the nature of the apartments in the gaol will permit.

5. Prisoners under 12 years of age must be kept separate and apart from adults, and the boys from the girls, or as much so as the nature of the apartments in the gaol will permit.

6. The diet of this institution, unless ordered to the contrary by the special justice, or in case of sickness, by the medical attendant, is to be boiled cornmeal and shads or herrings. Each prisoner must be furnished with three pounds avoirdupois of the former, and two of the latter, per diem, or, in lieu of cornmeal, an equivalent of ground provisions.

7. The hours of labour are to be ten, viz. from six A. M. to five P. M., allowing one hour, from ten to eleven, for breakfast.

8. The gates of the institution shall not be opened before five o'clock A. M., nor be kept open after sunset, except in cases of urgent necessity, such as fire, &c. &c. The boatswains and every other person employed in the institution must be within the walls by nine P. M. The superintendent is expected to see this rule strictly adhered to, and forthwith report every infringement to the visiting justice.

9. The visiting hours are from eight A. M. to six P. M.

Superintendent.

10. The superintendent must keep a journal, in which is to be recorded all punishments inflicted by his authority, or by that of a visiting justice, and the day on which the same was inflicted, the names of all prisoners wrought on the tread-mill, the portion of time each prisoner was so wrought during each day, the names of persons who have suffered solitary confinement, the period of time each was confined in each day, and also the offences for which they were severally wrought on the tread-mill, confined in the solitary cells, or otherwise punished. He must also enter into said journal all punishments inflicted by order of the special justice, or the sitting magistrates for the week, the names of the persons so punished, and the offences of which they had been convicted, which journal is to be laid before the court of quarter-sessions at every meeting.

11. Should the superintendent have occasion to put a prisoner in solitary confinement, or keep him during his period of relaxation on the tread-mill, he must report the same to the visiting justice at his first visit after the same shall have been done.

12. On the death of an inmate or prisoner, notice must be given forthwith to the visiting or nearest justice, and the coroner.

Overseer and Boatswains.

13. The overseer and boatswains will receive orders from the superintendent, and see that they are promptly carried into effect; any improper conduct, or neglect of duty on their part, must be immediately inquired into by the visiting justice or the committee, and punished.

14. The overseer and boatswains must live in the institution, in such apartments as the committee may allot to them; they are not only expected to be peaceable and orderly themselves, but to maintain peace and good order in the prison. It is also distinctly to be understood, that they are not to permit any person whatever (themselves and those immediately employed by the public in the institution excepted,) to reside or sleep in the premises.

Prisoners.

15. Persons committed for any offence by any court, or special or other justice, and runaway apprentices, are not to be permitted to have any intercourse or communication whatever with, or to receive any food from any persons from without.

16. No

16. No spirituous or other liquors are to be permitted to be brought into the institution, or used by any prisoner, or inmate, unless ordered by the medical attendant, or permitted by the visiting justices.

17. No gaming, whether for amusement or otherwise, to be tolerated or allowed.

18. The prisoners must all be locked up at sunset, after which no person can be allowed to visit the prison.

19. Unruly prisoners may be put on short allowance by order of visiting justice, with the concurrence of the medical attendant.

20. The utmost order and strictest silence must be observed by all prisoners, whether employed on the roads, on the tread-mill, or in any other part of the institution, or at any other description of work; any the slightest infringement of this rule to be punished (if committed within the walls) by the superintendent without delay, reporting same to the visiting justice at his first visit thereafter; if without the walls, as soon as the same has been reported by the overseer or boatswain in charge of the prisoner at the time offence was committed, reporting as before to the visiting justice.

21. For the sake of cleanliness, and to exclude vermin, all prisoners sentenced to the house of correction are to have their hair cut close on entering.

22. In working prisoners on the tread-mill, they are to be kept on the wheel every alternate quarter of an hour, and during the intervening quarter of an hour, to be kept breaking stones, or doing any other light work within the walls; provided, that if the medical attendant shall consider any prisoner too weakly to bear that punishment, he shall be authorized and is required to order the period of his being on the wheel to be abridged to such length of time as he considers him or her able to bear; and provided, that in case of the misbehaviour of any prisoner, the superintendent shall be authorized to increase the time of his being on the wheel, but not more than five minutes at any one time, and only then when the prisoner's bodily strength is capable of sustaining such additional punishment.

23. Copies of these rules must be printed and hung up in this office, in the tread-mill shed, against the outer door of the solitary cells, and any other part of the institution, in which a visiting justice or the committee may direct.

24. Any person contravening either of the foregoing rules, or misbehaving himself or herself, or refusing, or neglecting to obey orders, or committing any other offence, may be tried and punished by dismissal, forfeiture of wages or salary (if any of the officers of the establishment); and (if a prisoner or inmate) labour on the tread-mill, confinement in the solitary cells, to be fed or not on boiled corn or plantain and water, or whipping, or being put on short allowance of food, as a visiting justice or the committee shall determine.

C. P. Berry, Custos.

CHAPELTON, *Clarendon*, 26th July 1834.

AT a Meeting of Magistrates, convened this day by his Honor the Custos, to take into consideration the State of the Prison Discipline, it was resolved,

1. That no person, not being prisoners, be suffered to be inmates of the gaol, except the gaoler and his assistants.

2. That no person be allowed to visit the prison, except by permission of the magistrates or the clerk of the peace.

3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.

4. That each prisoner retire to his own apartment at eight o'clock in the evening.

5. That no tobacco, spirits or malt, be allowed to criminals, unless by direction of the doctor.

6. Cleanliness must be attended to; it is necessary for the health of the prisoners, and every apartment must be kept clean, and the beds made up by eight o'clock in the morning.

7. That the gaoler be a permanent resident.

8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.

9. That the undermentioned gentlemen be appointed visiting committees, and that their attendance at the prison be at the following periods, at uncertain times, and at unexpected hours.

From April Session to July Session.

J. M'Naught, Esq.	C. P. Berry, Esq.
E. M'Pherson, Esq.	Dr. Thomas Hoyle.

From July Session to October Session.

J. W. Turner, Esq.	Robert Jackson, Esq.
Ed. Thompson, Esq.	

From October Session to January Session.

Charles Ayrey, Esq.	Andrew Dunn, jun. Esq.
William Callman, Esq.	Thos. M'Mahon, Esq.
Samuel Pool, Esq.	Dr. French.

From January to April Session.

James Miller, Esq.	Joseph Bryant, Esq.
Andrew Dunn, Esq.	Richard Magee, Esq.
William Rose, Esq.	

10. That these resolutions be printed, and that the clerk of the peace furnish the deputy-marshal and each magistrate with a copy.

No. 9.
Gaols and Houses of Correction.

JAMAICA.

Portland.

Portland, 22d September 1835.

Sir,

In compliance with the wish of H. E. the governor, contained in your circular, No. 5,624, I beg leave to inclose the rules and regulations of this parish for the government of prisoners. The cells are built, and we are now erecting a tread-mill, that has been imported. The gaol, house of correction and hospital are in thorough condition, and duly attended to.

I have, &c.

W. G. Nunes, Esq. *Maurice Jones*, Custos.

Portland, 19th July 1834.

AT a Meeting of Magistrates, convened this day, by his Honor the Custos, to take into consideration the State of the Prison Discipline, it was resolved,

1. That no person, not being prisoners, be suffered to be inmates of the gaol, except the gaoler and his assistants.
2. That no person be allowed to visit the prison, except by permission of the magistrates or the clerk of the peace.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.
4. That each prisoner retire to his own apartment at eight o'clock in the evening.
5. That no tobacco, spirits or malt, be allowed to criminals, unless by direction of the doctor.
6. Cleanliness must be attended to; it is necessary for the health of the prisoners; and every apartment must be kept clean, and the beds made up by eight o'clock in the morning.
7. That the gaoler be a permanent resident.
8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.
9. That the undermentioned gentlemen be appointed visiting committees, and that their attendance at the prison be at the following periods, at uncertain times, and at unexpected hours.

From July Session to October Session.

John Deans, Esq. Philip Hearn, Esq. Samuel Pryer, Esq.

From October Session to January Session.

John Henshelwood, Esq. William Arnold, Esq. R. C. King, Esq.

From January Session to April Session.

A. G. Johnston, Esq. James Johnston, Esq. Wm. E. Jones, Esq.

From April Session to July Session.

John Gough, Esq. Arthur R. Jones, Esq. William Williams, Esq.

10. That these resolutions be printed, and that the clerk of the peace furnish the deputy-marshal and each magistrate with a copy.

Rich. W. Sherwood.

Kingston.

Sir, Kingston, 25 September 1835.

I have to acknowledge the receipt of your letter of 14th instant, requesting me to forward to his Excellency the Governor a copy of such rules and regulations as are now in force for the government of the prisons within my parish, pursuant to the 6th clause 5 Will. IV., c. 8, and in reply beg to inform you, for the information of his Excellency, that I have not found it necessary or expedient to make any further or additional rules for the government of such prisons, but that the same are managed in strict conformity with those laid down in the before-mentioned Act.

I have, &c.

W. G. Nunes, Esq. *S. J. Dallas*, Custos, Port Royal.

RULES for the Government of the County Gaol in *Kingston*.

The gates of the gaol are not to be opened before six o'clock A. M., from 1st April to 1st October; nor before seven o'clock A. M., during the remaining six months of the year.

The visiting hours are to be from eight to ten A. M., from twelve to one, and from four to six P. M., from the 1st April to 1st October; and from three to five, instead of four to six, during the remaining six months of the year.

The back-yard gate must be closed at sunset every evening, and not opened during the night, except in case of extreme necessity; such case to be reported to the visiting justice the following day.

The debtors'-yard gate, as well as the outer one, must be closed precisely at eight o'clock.

Each prisoner must retire to his apartment at eight o'clock P. M., and not leave it before daylight in the morning.

No person is to be allowed to visit the gaol, or any prisoner in it, except by permission from the mayor, a visiting justice, or member of the court of common council.

Every

No. 9.
Gaols and Houses of Correction.

JAMAICA.

Kingston.

Every person visiting the gaol, or an inmate thereof, must write his or her name, the day of the month on which the visit is made, the person visited and by whose permission, in a book to be provided for that purpose; and should he or she be unable to do so, the keeper must do it for him or her.

No female, except a prisoner, or the wife of one, is to be permitted to sleep in the gaol, unless as a nurse, in case of sickness, and then only with the written permission of a visiting justice, or the surgeon.

No children, except those of debtors, to be allowed to remain in the gaol.

Except during the visiting hours, no person whatever, not an inmate, is to be permitted to be or remain in the gaol.

No debtor or inmate is to be permitted to cook in his room, or any other place than the kitchen.

No debtor or other prisoner can be permitted to carry on any trade or handicraft within the walls for his own benefit, except by permission of a majority of the committee.

The bed or beds in and every apartment must be made up and properly cleaned every morning by eight o'clock.

Debtors or prisoners getting intoxicated, behaving disorderly, or annoying the peaceably disposed, or infringing any of the rules, may be placed by the gaoler in solitary confinement in one of the cells, reporting same to the visiting justice at his first visit, who may extend such confinement to any perod of time not exceeding six days, should the nature of the offence demand it.

No spirituous liquors are, under any pretence, to be introduced into the prison without the permission, in writing, of the medical attendant or a visiting justice. Any person contravening this rule subjects himself to the penalties of the Act 4 Will. IV.

No money is to be received or exacted from any prisoner, or person entering the goal, under the denomination of garnish or otherwise.

No games of any kind or description to be permitted on any account whatever.

No debtor, prisoner or other person is to be permitted to offer any obstruction to, or interfere with the gaoler in the discharge of his duties.

Any visitor getting drunk, or otherwise misbehaving himself or herself, or refusing to quit the prison when desired to do so, may be confined in the cells for any period not exceeding 24 hours.

Persons sentenced to solitary confinement may or may not be fed on bread and water, as the visiting justice, committee or surgeon may direct.

The gaoler must keep a journal, in which he is to enter the name of every debtor, and the name and offence of every prisoner received into the prison, the day on which he was received, and the period for which he is to be confined; also the offence, if any, committed by a debtor, prisoner or other inmate, and the punishment inflicted by the committee or visiting justices, or himself.

The gaoler must reside within the walls, and visit every cell or other apartment once at least every 24 hours. In visiting those occupied by females, he must be attended by a female.

Copies of these rules must be printed and hung up in the offices, and such other parts of the prison as the committee may direct, and they must be read to all the prisoners every Monday morning in the front and back yard.

The committee will meet on the first Wednesday in every month at the gaol, and visit as follows:

Mondays -	Justices	-	-	-
Tuesdays -	—	-	-	-
Wednesdays	—	-	-	-
Thursdays -	—	-	-	-
Fridays -	—	-	-	-
Saturdays -	—	-	-	-
Sundays -	—	-	-	-

The rooms must all be numbered, and the names of the respective occupants placed opposite to each number, in a book to be kept for that purpose.

Any person contravening either of the foregoing rules, or misbehaving himself or herself, or refusing or neglecting to obey orders, or committing any other offence, may be tried and punished in such manner as a visiting justice or the committee shall determine.

RULES for the Government of the *Kingston* Gaol, House of Correction and Asylum.

No person employed in this institution is to carry on any trade or business, or have any interest in any contract or agreement for the supply of any articles for the same.

None but able-bodied free men, of good character, to be employed as boatswains.

The female prisoners or inmates are to be under the superintendence of a matron, who must be a decent woman, of good character.

The male and female prisoners must be kept separate and apart from each other.

As soon as the necessary buildings, alterations or additions, have been completed, the prisoners must be classified as follows:

First class. All who have been convicted of felonies.
Second ditto. All convicted of misdemeanors.
Third ditto. All committed on charge or suspicion of ditto.
Fourth ditto. All vagrants.
Fifth ditto. Runaway apprentices.
Sixth ditto. Witnesses on behalf of the Crown.

No. 9.
Gaols and Houses of Correctio .

JAMAICA.

Kingston.

Prisoners under 12 years of age must be kept separate and apart from adults, and the boys from the girls. They must be employed within the walls.

Prayers selected from the Liturgy of the Church, must be read every Sabbath-day by some duly-qualified person. No manner of work is to be done on this day, except the cooking of victuals, and the necessary ablutions of the prisoners and their clothes.

The diet of this institution, unless ordered to the contrary by the justices, or in case of sickness, by the medical attendant, is to be boiled cornmeal, and shads or herrings. Each prisoner must be furnished with 3 lbs. avoirdupois of the former, and two of the latter, per diem.

The hours of labour are to be 10; viz. from six o'clock A.M. to five P.M., allowing one hour, from 10 to 11 o'clock, for breakfast.

No corporal punishment is to be inflicted, unless ordered by a special or visiting justice, and only by the latter when every other mode of punishment has been tried and failed.

The gates of the institution shall not be opened before five o'clock A.M. nor be kept open after eight P.M., excepting cases of urgent necessity, such as fire, &c., at which hour the boatswains and every other person employed on the institution must be within the walls. The superintendent is expected to see this rule strictly adhered to, and forthwith report every infringement to the visiting justice.

The visiting hours are from eight A.M. to six P.M.

Superintendent.

The superintendent must keep a journal, in which is to be recorded all punishments inflicted by his authority, or by that of a visiting justice, and the day on which the same was inflicted; the names of all prisoners wrought on the tread-mill; the portion of time each prisoner was so wrought during each day; the names of persons who have suffered solitary confinement; the period of time each was confined in each day, and also the offences for which they were severally wrought on the tread-mill, confined in the solitary cells, or otherwise punished. He must also enter into the said journal all punishments inflicted by order of the special justice, or the sitting magistrates for the week; the names of the persons so punished, and the offences of which they had been convicted; which journal is to be laid before the court of common council at its first meeting after the end of each month.

Should the superintendent have occasion to put a prisoner in irons or solitary confinement, or keep him during his periods of relaxation on the tread-mill, he must report the same to the visiting justice at his first visit after the same shall have been done.

On the death of an inmate or prisoner, notice must be given forthwith to the visiting or nearest justice and the coroner.

A report in writing of the state and condition of the prison, must be prepared by the superintendent, and laid before the judges at the meeting of each assize court.

Overseer and Boatswains.

The overseer and boatswains will receive orders from the superintendent, and see that they are promptly carried into effect. Any improper conduct or neglect of duty on their part must be immediately inquired into by the visiting justice or the committee, and punished.

The boatswains of the institution must keep watch, every night alternately, within the walls; viz. one from eight to eleven o'clock P.M., one from eleven to two, A.M., one from two to five A.M.

The overseer and boatswains must live in the institution, in such apartments as the committee may allot to them. They are not only expected to be peaceable and orderly themselves, but to maintain peace and good order in the prison. It is also distinctly to be understood, that they are not to permit any person whatever, themselves and those immediately employed by the public in the institution excepted, to reside or sleep in the premises.

Prisoners.

Persons committed for any offence by any court, or special or other justice, and runaway apprentices, are not to be permitted to have any intercourse or communication with, or to receive any food from any persons from without.

No spirituous or other liquors are to be permitted to be brought into the institution, or used by any prisoner or inmate, unless ordered by the medical attendant, or permitted by the visiting justices.

No gaming, whether for amusement or otherwise, to be tolerated or allowed.

The prisoners must all be locked up at sunset; after which no person can be permitted to visit the prison.

Unruly prisoners may be put on short allowance by order of a visiting justice, with the concurrence of the medical attendant.

The utmost order and strictest silence are to be observed by all prisoners, whether employed in the streets, on the tread-mill, or in any other part of the institution, or at any other description of work. Any the slightest infringement of this rule, to be punished, if committed within the walls, by the superintendent, without delay, reporting same to visiting justice at his first visit thereafter; if without the walls, as soon as the same has been reported by the overseer or boatswain in charge of the prisoner at the time the offence was committed, reporting as before to the visiting justice.

Tread-mill.

In working the prisoners on the mill, the numbers on and off must be so regulated as not to keep them constantly on for more than one hour.

Prisoners

No. 9. Gaols and Houses of Correction.

JAMAICA.

Kingston.

Prisoners must ascend the mill at the west end, and descend from it by a side step at the east. When off the mill, they are to be permitted to sit down, but on no account to speak to or converse with each other.

Copies of these rules must be printed, and hung up in the office, in the tread-mill shed, against the outer door of the solitary cells, and any other part of the institution which a visiting justice or the committee might direct.

Any person contravening either of the foregoing rules, or misbehaving himself or herself, or refusing or neglecting to obey orders, or committing any other offence, may be tried and punished by dismissal, forfeiture of wages or salary, labour on the tread-mill, confinement in the solitary cells, to be fed or not, on boiled corn, or plantain and water, or whipping, or being put on short allowance of food, as a visiting justice or the committee shall determine.

Order of Visitation.

Mondays	-	Justices	-	-	-
Tuesdays	-	—	-	-	-
Wednesdays		—	-	-	-
Thursdays	-	—	-	-	-
Fridays	-	—	-	-	-
Saturdays	-	—	-	-	-
Sundays	-	—	-	-	-

Sir, Peace Office, St. George, 22 September 1835.

By the direction of his Honor the Custos, I hereby enclose a copy of the rules and regulations made for the government of the gaol and house of correction in this parish, to be laid before his Excellency the Governor.

I have, &c.

W. G. Nunes, Esq., Secretary, Spanish Town.

Robert Dunbar, Deputy Clerk of the Peace.

St. George.

RULES and REGULATIONS for the Government of the Gaol and House of Correction of *St. George,* made at a special Session held at *Buff Bay,* on the 2d day of September 1835.

1. That the convicts be classified and kept separately by the gaoler, so far as circumstances allow.
2. That all convicts in the house of correction shall be made to work for 10 hours, exclusive of the time taken up in going to and coming from work, and exclusive of the time taken up for meals.
3. That all convicts sent to the house of correction be kept to hard labour, in the field or otherwise.
4. That when a convict shall refuse, or fail to perform his or her sentence of hard labour, the supervisor shall be authorized to place the offender in the stocks, for a term not exceeding 12 hours, to be afterwards reported to the visiting justice.
5. That all the convicts of the house of correction be locked up by eight o'clock at night.
6. That silence shall at all times be strictly enforced, and no smoking allowed within the walls of the house of correction.
7. That all corporal punishment be inflicted by order of a visiting justice.
8. That the hair of every convict be cut close to the head.
9. That the supervisor do see the second regulation carried into effect.

(signed) *John Bell.* *Alexander Campbell.*
J. R. Grosset. *Wm. Hosack.*
Roger Swire. *E. E. Fishbourne.*

(True copy.)

Robert Dunbar, Deputy Clerk of the Peace.

St. Ann.

St. Ann.

AT a Meeting of Magistrates, convened this 19th day of July 1834, by his Honor the Custos, to take into consideration the State of the Prison Discipline, it was resolved,

1. That no person not being a prisoner be suffered to be an inmate of the gaol, except the gaoler or his assistant.
2. That no person be allowed to visit the prison, except by permission of the magistrates or the clerk of the peace.
3. That no visitors be permitted to enter the prison before eight o'clock in the morning, and that all visitors leave before sunset.
4. That each prisoner retire to his own apartment at eight o'clock in the evening.

5. That

No. 9. Gaols and Houses of Correction.

JAMAICA.

St. Ann.

5. That no tobacco, spirits or malt, be allowed to criminals, unless by direction of the doctor.

6. Cleanliness must be attended to; it is necessary for the health of the prisoners, and every apartment must be kept clean, and the beds made up by eight o'clock in the morning.

7. That the gaoler or his deputy be a permanent resident.

8. That a book and writing materials be kept at the gaol and the workhouse for the use of the visiting magistrates, to be provided at the expense of the parish.

9. That the justices composing the special sessions hereinafter appointed to be held, be appointed visiting committees, and that their attendance at the prison be at the following periods, at uncertain times, and at unexpected hours.

10. That on Monday in every week a special session of the peace, to consist of at least three justices, be held at the peace office, St. Ann's Bay, to adjudicate all business of which they might be required to take cognizance.

11. That on Thursday in every week a special sessions of the peace, to consist as aforesaid, of at least three justices, be held at Brown's Town, for the same purpose.

12. *Ex parte*. That all justices, absentees at such special sessions, be each fined 1 *l.*, except a good and sufficient excuse be made, to be approved of by the justices or justice who shall have attended at any such special sessions.

13. That these resolutions be printed, and that the clerk of the peace furnish the deputy-marshal and each magistrate with a copy.

— Appendix, No. 10. —

No. 10. Estates where Apprentices work for Hire, &c.

ABSTRACT of RETURNS of Estates where Apprentices work for Hire; of Estates where Wages have neither been offered nor refused; and of Estates where Apprentices have refused to work for Hire; from 18 July to 4 November 1835.

[In continuation of Return transmitted in the Marquis of Sligo's Despatch of 18 July 1835; printed in Part II. of Slave Abolition Papers, No. 278; Session 1835; page 266.]

No. of Return.	DATE.	Number of Estates where Apprentices work for Hire.	Number of Estates where Wages have neither been Offered nor Refused.	Number of Estates where Apprentices have refused to Work for Hire.
	To the 18th July 1835, according to Marquis of Sligo's Despatch of that date. Parliamentary Paper, 278; page 266 - - - -	296	98	22
1	to 6th August 1835 -	110	60	25
2	to 28th September — -	97	69	18
3	to 4th November — -	24	10	4
	TOTAL - - -	527	237	69

— 1. —

ESTATES where Apprentices Work for Hire; to 6th August 1835.

Main Savanna, Clarendon.	Agualta Estate, St. Mary.	Water Valley, St. Mary.
Parnassus - - ditto.	Aleppo - - - ditto.	White Hall - ditto.
Adelphi - - St. James's.	Ballard's Valley ditto.	Blue Hole - St. James's.
Belfield - - - ditto.	Charlottenburg ditto.	Cinnamon Hill - ditto.
Barrett Hall - ditto.	Armwell - - ditto.	Crawl - - - ditto.
Canaan - - - ditto.	Esher - - - ditto.	Eastham - - ditto.
Castle Wemyss ditto.	Frontier - - - ditto.	Glasgow - - ditto.
Chatham - - ditto.	Friendship - - ditto.	Hartfield - - ditto.
Carlton - - - ditto.	Green Castle - ditto.	Iron Shore - - ditto.
Content - - - ditto.	Heywood Hall - ditto.	Kirkpatrick Hall ditto.
Hampden - - ditto.	Islington - - ditto.	Lilliput - - - ditto.
Luna - - - ditto.	Koningsberg - ditto.	Leogan - - - ditto.
Somerton - - ditto.	Longly - - - ditto.	Millenium Hall ditto.
Dumfries - - ditto.	Llancumney - ditto.	Mow Park - - ditto.
Belmont - St. John's.	Snow Hall - - ditto.	Paisley - - - ditto.
Bowerswood - ditto.	Nonsuch - - ditto.	Providence - - ditto.
Crawle - - - ditto.	Newby - - - ditto.	Palmyra - - ditto.
Fuller's Rest - ditto.	Nutfield - - - ditto.	Nore Hall - - ditto.
Mountain River ditto.	Orange Hill - ditto.	Running Gut - ditto.
Mount Pleasant ditto.	Quebec - - - ditto.	Spring - - - ditto.
Spring Vale - ditto.	Tremolesworth - ditto.	Spot Valley - - ditto.

No. 10.
Estates where Apprentices work for Hire, &c.

JAMAICA.

Success - - St. James's.	Hopeton - - Westmorland.	Pell River - Hanover.
Tryall - - - ditto.	Lennox - - - ditto.	Phœnix - - - ditto.
Windsor Lodge ditto.	Old Shaftston - ditto.	Prospect - - ditto.
Appleton, St. Elizabeth.	Orange Grove - ditto.	Rockspring - - ditto.
(Refused latterly.)	Richmond Lodge ditto.	Saxham - - - ditto.
Barton - - St. Elizabeth.	Abingdon - - Hanover.	Spring - - - ditto.
Lancaster - - ditto.	Blenheim - - ditto.	Woodchurch - ditto.
Mexico - - - ditto.	Caldwall - - ditto.	Rhodes Hall - ditto.
Oxford - - - ditto.	Cambleton - - ditto.	Hampstead, St. Elizabeth's.
(On road for contractor,	Cousin's Cove - ditto.	White Hall - - ditto.
but not offered on estate.)	Fish River - - ditto.	Baynes Town - ditto.
Union, St. Elizabeth.	Haughton Hall ditto.	New Savannah ditto.
The Bog - - Westmorland.	Haughton Tower ditto.	Ginger Hill - - ditto.
Bushy Park - ditto.	Mount Pleasant ditto.	Holland - - - ditto.
Darliston - - ditto.	Newfound River ditto.	Woodlands - - ditto.
Grand Vale - ditto.	New Paradise - ditto.	Holland - - - ditto.
Glenburnie - - ditto.	Orange Bog - ditto.	

Total Worked for Hire - - - - - - 110.

ESTATES where Wages have neither been Offered nor Refused; to 6th August 1835.

Clarendon - Clarendon.	Look-out Pen, St. Elizabeth's.	Marfield - Westmorland.
Whitney - - ditto.	Mitcham Pen - ditto.	New Shaftson - ditto.
Virgin Valley, St. James's.	Magotty Pen - ditto.	Peters Ville - ditto.
Agualta Pen, St. Mary's.	Peru Pen - - ditto.	Nolens River - ditto.
Carlton - - - ditto.	Two-mile Wood ditto.	Woodstock - - ditto.
Claremont - - ditto.	Vauxhall - - ditto.	Welch Pool - ditto.
Pimento Hill - ditto.	Wallingford - ditto.	Giddy Hall, St. Elizabeth's.
Cape Clear Pen ditto.	Windsor - - ditto.	(Offer to do so.)
Clonmell Pen - ditto.	Ackendown - Westmorland.	Y. S. - - - ditto.
Flower Hill, St. James's.	Blue Fields - - ditto.	Ipswich - - - ditto.
Bogue - - St. Elizabeth's.	Chilrectoo - - ditto.	Middlesex - - ditto.
Bagdale - - - ditto.	Clifden - - - ditto.	Mount Charles ditto.
Bread-nut Valley ditto.	Cruize - - - ditto.	Mount Lebanon ditto.
Content Pen - ditto.	Caledonia - - ditto.	Mount Pleasant ditto.
Cabbage Valley ditto.	Culloden - - ditto.	Hartshall - - ditto.
Carisbrook - - ditto.	Forrest - - - ditto.	Bloomsbury - ditto.
Elim - - - - ditto.	Hopewell - - ditto.	Spring Vale - ditto.
Gilnook Pen - ditto.	Haddo - - - ditto.	Hazle Grove - ditto.
Grossmonde Pen ditto.	Mount Edgecumb ditto.	Haply Grove - ditto.
Harmony Hall - ditto.	Mount Sinai - ditto.	Cottage - - - ditto.
Island - - - ditto.		

Total of Estates where Wages have been neither Offered nor Refused - - 60.

ESTATES where Apprentices have refused to Work for Hire; to 6th August 1835.

Denbigh - - Clarendon.	Spring Mount, St. John's.	Windsor Forest, Westmorland.
Halse Hall - - ditto.	Water Mount - ditto.	Cessnock - Hanover.
St. Toolie's - - ditto.	Albany - - - ditto.	Grange - - - ditto.
St. Jago - - - ditto.	Bellefield, St. Mary's.	Green River - ditto.
Clifford's - St. John's.	Biscany - - St. Elizabeth's.	Harding Hall - ditto.
Lloyd's - - - ditto.	Mount Pleasant Pen - - - ditto.	Industry - - ditto.
Gibraltar - - ditto.	White Hill - - ditto.	Salt Spring - - ditto.
Prospect - - ditto.	Chiltern - Westmorland.	Lacovia, St. Elizabeth's.
Retreat - - - ditto.		(Offered since to do.)

Total who have refused to Work for Hire - - - 25.

— 2. —

ESTATES where Apprentices Work for Hire; to 28th September 1835.

Belvidere - - St. James's.	Roehampton - St. James's.	Catherine Hall, St. James's.
Dickett's Spring - ditto.	Seven Rivers - - ditto.	Catherine Mount ditto.
Hazlenymph - - ditto.	Twyford (Jobbers) ditto.	Fairfield - - - ditto.
Plumb Pen - - ditto.	The Boyne - - ditto.	Green Pond - - ditto.
Richmond Hill Estate - - - ditto.	Bellfield - - - ditto.	Gilsbro' - - - ditto.
	Carthagena - - ditto.	Flamstead - - ditto.

(*continued*)

No. 10.
Estates where Apprentices work for Hire, &c.

JAMAICA.

Irwin - - St. James's.	Morgan's - Clarendon.	Mona - - St. Andrew's.
Industry - - - ditto.	Friendship - - ditto.	Mount Cressy - ditto.
Latium - - - ditto.	Orange River - ditto.	Prospect - - - ditto.
Leyden - - - ditto.	Ballard's River - ditto.	Prospect (Parks) ditto.
Newman Hall - ditto.	Bryan's Hill - - ditto.	Norbrook - - - ditto.
Purling Stream - ditto.	Mears's - - - ditto.	Papine - - - ditto.
Potosi - - - - ditto.	Trout Hall - - ditto.	Spring - - - ditto.
Retirement - - ditto.	Trout Field - - ditto.	Sharlwood - - ditto.
Spring Mount - ditto.	Logue Green - ditto.	Temple Hall - - ditto.
Sunderland - - ditto.	Crawle River - ditto.	Dover Castle - St. Thos. Vale.
Spring Garden - ditto.	Pindar's Valley - ditto.	New Works - - ditto.
Wansted - - - ditto.	Pindar's River - ditto.	St. Clair - - - ditto.
Roman Wood - St. George's.	Lucky Valley - ditto.	Alexandria - St. James's.
Mount Holstein - ditto.	Ludlow - - - ditto.	Argyle Estate - ditto.
Orange Vale - - ditto.	Kellett's - - - ditto.	Content Estate - ditto.
Wallingford - - ditto.	The Burn - - ditto.	Chester Castle - ditto.
Glengyle - - - ditto.	Mackine - - - ditto.	Copie - - - - ditto.
Carrick Hill - St. David's.	Belline - - St. Andrew's.	Childermas - - ditto.
Minto - - - - ditto.	Belair - - - - ditto.	Eden - - - - ditto.
Manheim - - - ditto.	Constant Spring - ditto.	Friendship - - ditto.
Sherwood Forest ditto.	Chancery Hall - ditto.	Golden Grove - ditto.
Ayton - - - - ditto.	Golden Spring - ditto.	Lethe Estate - ditto.
Clifton - - - ditto.	Happy Grove - ditto.	Montpelier - - ditto.
Richmond Vale - ditto.	Joppa & Leith Hall, ditto.	Seller Grove - - ditto.
Moy Hall - - ditto.	Knowsley - - ditto.	Soo Hall - - - ditto.
Mount Pleasant - ditto.	Mullet Hall - - ditto.	Wiltshire - - - ditto.
Radnor - - - ditto.	Mavely - - - ditto.	

Total Worked for Hire - - - - - - 97.

ESTATES where Wages have neither been Offered nor Refused; to 28th September 1835.

Bandon - - St. James's.	Friendship Retreat, St. David's.	Noremount - St. Andrew's.
Cambridge Jobbing Gang - ditto.	Windsor Castle - ditto.	Swain Spring - ditto.
Chesterfield - - ditto.	Hermitage - - ditto.	Salisbury Plain - ditto.
Compel Hall - ditto.	Fair Prospect - ditto.	Sterling Castle - ditto.
Content Pen - (days exchanged) ditto.	Swamps - - - ditto.	Barbican - - - ditto.
Croydon Pen - (days exchanged) ditto.	Hill side - - - ditto.	Hope - - - - ditto.
Floyd's Lodge - ditto.	Albion - - - ditto.	Berkshire Hall, St. Thos. Vale
Ginger Hill - (days exchanged) ditto.	Ultimatum.	Cotswould - - ditto.
Greenwich - - ditto.	Airy Castle - St. Andrew's.	Charlemount - ditto.
Richmond Hill Pen, ditto.	Hardwich - - ditto.	Mickleton - - ditto.
Linwood Pen - ditto.	Cherry Garden - ditto.	Orangefield - - ditto.
Windsor Castle Estate.	Cedar Valley - ditto.	Nore Hall - - ditto.
Porto Bello - - ditto.	Fair Hill - - - ditto.	Recess (N. Gyles) ditto.
Hampton - - - ditto.	Hermitage - - ditto.	Shenton - - - ditto.
Friendship - - ditto.	Healthy Valley - ditto.	Argyle Pen - St. James's.
Orange - - - ditto.	Moresham - - ditto.	Brunt Grand Pen ditto.
Mount Sinai - St. David's.	Montpelier - - ditto.	Cow Park Pen - ditto.
Lloyd's - - - ditto.	Mount Dakins - ditto.	Houghton Grove Pen - - - ditto.
Nonsss - - - ditto.	Mount James - ditto.	Hermitage Pen - ditto.
Arntully - - - ditto.	Mount Woolfries ditto.	Knochalva Pen - ditto.
Mocha - - - ditto.	Mount Belmore - ditto.	Ramble Pen - - ditto.
	Mount Prospect - ditto.	Retirement Pen - ditto.
	Prospects (Spalding) - - - - ditto.	Shetlewood Pen - ditto.
	Mount Atlas - - ditto.	Gun Pen - - - ditto.

Total Estates where Wages have neither been Offered nor Refused - 69.

ESTATES where Apprentices have refused to Work for Hire; to 28th September 1835.

Unity Hall - St. James's.	New Battle - St. David's.	Waterhouse - St. Andrew's.
Œlus Valley - St. David's.	River Head - - ditto.	Molynes - - - ditto.
Woburn Lawn - ditto.	Ballymure - Manchester.	Mount Moses - ditto.
Sheffield - - - ditto.	Hibernia - - - ditto.	Charlton - St. Thos. Vale.
Belle Clare - - ditto.	Campbell's Mount - St. Andrew's.	Spring Farm - - ditto.
Cocoa Walk - - ditto.	Cooper's Hill - ditto.	
Grove - - - - ditto.		

Total refused to Work for Hire - - - - - 18.

No. 10.
Estates where Apprentices work for Hire, &c.

— 3. —

ESTATES where Apprentices Work for Hire; to 4th November 1835.

Bybrook - St. Thos. Vale.	Mount Idalia - St. Thos. Vale.	Stirling Castle, St. Thos. Vale.
Byndloss - - - ditto.	New Works - - ditto.	Swansea - - - ditto.
Dove Hall - - ditto.	Palm - - - - ditto.	Tulloch - - - ditto.
Dover Castle - ditto.	Pleasant Farm - ditto.	(for allowances only.)
Enfield - - - ditto.	(for time.)	Treadways - - ditto.
Knollis - - - ditto.	Rose Hall - - ditto.	Thetford - - - ditto.
Lemon Ridge - ditto.	River Head - - ditto.	Wallens - - - ditto.
Mickleton - - ditto.	Recess - - - ditto.	Worthy Park - ditto.
Mulloch - - - ditto.	Shenton - - - ditto.	
	(for allowances only.)	

Total Worked for Hire - - - - - - - 24.

ESTATES where Wages have neither been Offered nor Refused; to 4th November 1835.

Berkshire Hall, St. Thos. Vale.	Charlemont - St. Thos. Vale.	Swansea Coffee, St. Thos. Vale.
Bonnett - - - ditto.	Orangefield - - ditto.	Worthy Park - ditto.
Blue Mountain - ditto.	Richmond Hill - ditto.	(field men.)
Cotswold (jobbers) ditto.	Raza Mount - - ditto.	

Total Estates where Wages have neither been Offered or Refused - 10.

ESTATES where Apprentices have refused to Work for Hire; to 4th November 1835.

Bybrook - St. Thos. Vale. (field people refused though mill people do.)	Charlton - St. Thos. Vale. Spring Farm - - ditto.	Stirling Castle, St. Thos. Vale. (field refused, but others worked.)

Total refused to Work for Hire - - - - - 4.

SUMMARY of Letters addressed to Lord *Sligo* by Fifty-three Special Magistrates of *Jamaica*, in answer to a Circular requiring Reports upon the State of each District, the Industry and Conduct of the Apprentices, the Behaviour of the Masters, the State of Cultivation, and the Prospects of the ensuing Crop. The original Letters enclosed in Lord Sligo's Despatch, No. 182, of the 4th November 1835, and all dated about the end of October.

Colonial Office, 26 December 1835.

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
TRELAWNY. *Pennell*, p. 49.	Good. Anxious to work for wages, and jealous of strangers being admitted to work for wages on Friday and Saturday. Digging cane holes is the description of work preferred. One man earned 25 *s.* in one week, receiving one halfpenny a cane hole. Only one estate where they refused to work for money, and that was the fault of the manager. They worked well in their master's time. General conduct improving; scarcely any punishments. People satisfied and happy.	-- Very little to complain of; seasons have been favourable; some few estates may fall short.	Will be better than the last - - - -	Very good and kind.
Charles Hawkins, p. 59.	Orderly and obedient. Anxious to work for hire. On some estates dig from 300 to 400 cane holes beyond their tasks, receiving 4 *s.* 2 *d.* per hundred holes. They are dissatisfied when jobbers are brought in. More kindly feelings begin to exist. Punishments few; crimes less serious.	-- From the fine rains in this quarter the cane fields are most luxuriant. There are two or three estates much behindhand, owing to bad management.	-- Very fine; much larger than last year's, according to the planters themselves.	-- Masters appear satisfied, and treat them with kindness.
T. Davies, p. 62.	Gradually improving since Christmas; fewer complaints; better feeling towards the masters.	-- In the leeward part of the district the canes have suffered from the drought; in the windward part the seasons have been better, and the state of cultivation is very good.	-- In the windward parts quite equal to the last one; in the leeward will be short, in consequence of the drought.	Improving.
S. Pryce, p. 41.	Satisfactory. They are working task-work cheerfully on several estates. Eager to work in their own time where their provision grounds are in good order. Not uncommonly earn 10 *s.* or 15 *s.* per week in their own time, and, in many instances, finish their task by twelve or one o'clock. They dig cane holes for 5 *l.* currency per acre. The "price is 8 *l.* per acre" (for jobbers, I suppose). They seem satisfied. No corporal punishment for several months, and complaints fast diminishing.	-- More work has been done this year than the last, and the prospects of the ensuing crop are very flattering. The seasons have been favourable, and the fields have been cleaned and manured.	-- Will exceed the last. In consequence of the panic at the commencement of the system, six months previous and some months subsequent to 1st August 1834, the cultivation was much neglected.	-- Several are conforming to the new law, and showing their apprentices countenance, encouragement and good example; but there are many of loose low habits and violent dispositions; and the steady good behaviour of the apprentices, under such characters, is both praiseworthy and surprising.

ST. JAMES.				
Daly, p. 19.	Working well. Complaints rare. Good understanding between master and apprentice. On many estates have undertaken large jobs in cane-hole work, and done them so well, that ("though the negro made good hire") the advantage to the proprietor was equal to 3*l.* on each acre of land dug.	-- Forward, but the planting of canes was on a reduced scale, and therefore the crop may be short. The preparation for future crops is on a more extensive scale, the planters having acquired more confidence in the efficacy of the new system. The grass fields and fences, which had been neglected, are undergoing repair, and the whole country assuming a favourable aspect.	-- Short, on account of the reduced scale of preparation, owing to an impression (now removed) on the minds of many planters that the system would not succeed.	-- Good understanding between master and apprentice. Complaints rare.
Farrar, p. 26.	Better than for some time after 1st August 1834. Improving in habits of industry, and in general behaviour towards their masters.	Canes look well and healthy - - -	-- Much the same as last crop; on some estates it will fall off a little; on others an increase is expected. An increase in the produce of succeeding crops may reasonably be expected.	
R. Thompson, p. 43.	Twenty-three estates. On three of them the state of feeling between the apprentices and overseer is bad; on four others not very good, but there seems to be no complaint of loss from want of due work; on all the rest very good.	-- Better or worse, according to the management. Generally good.	-- In the whole district combined, the crop (if all things go on as they now promise) will considerably exceed last year's. The seasons have been very rainy, but, upon the whole, good.	-- On some of the estates teasing and violent, but generally good.
R. Cocking, p. 57.	Highly exemplary, (with some few exceptions) industrious and respectful, but they require to be well watched. Crime has diminished, liberal wages are earned for extra labour, and a wish to facilitate the working of the new system is observable in both parties.	-- Suffering from want of the usual rains. The estates generally are in capital order.	-- An average crop expected. If short, it will be owing to the weather.	-- Kind, encouraging and judicious.
W. Finlayson, p. 63.	Apprentices behaving well, and generally industrious, working to the satisfaction of their employers. Complaints only against individuals, and those diminishing.	-- In general, excellent. Upon many estates, described by the overseers as better than last year. On some backward, from the dryness of the weather.	-- Fully equal to last year's. On several estates the overseers calculate on an increase.	-- On one or two estates strict, if not severe; but, in general, kind and correct.
R. S. Cooper, p. 66.	Uniformly good, except that in one estate they are addicted to skulking, and on one they are discontented at not being found with the usual supplies; but they are civil, work well, keep their provision-grounds in order, and are anxious to work for hire.	-- Twenty-three estates. About half of them backward, from the lateness of getting off last crop and from mismanagement, and from the labour having been, on most of the estates, employed in repairing the works, &c., and from the failure of the October rains.	-- Eleven to fall off, more or less; five to increase considerably; the rest about the same as last crop. The crop, after the ensuing one, expected to be more than an average one, except on three estates.	-- Not uniformly good. Many of the managers study only to get as much work out of the apprentices as they can; but throughout the district the most humane are also the most successful.
HANOVER.				
J. R. Hulme, p. 64.	Generally pretty good; complaints much less numerous; but on some estates they work slow, and on many they have refused to work for hire. On two or three they have been working for hire.	-- Thirty-one estates; 24 of them about as forward as last year, three very forward, three rather backward, and one very backward; several of them suffering from the dry weather, and all the fall plant not yet in.	-- On 24 about the same as last year, on three much better, on three others not quite so good, and on one a great falling off. Much will depend upon the seasons.	
J. Odell, p. 79.	Complaints and punishments on the decrease.	Rather better than last year - - -	Better, seasons permitting - - - -	Fewer complaints.

(continued)

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
WESTMORLAND.	Apprentices behaving well and industrious; satisfied and cheerful; complaints rare.	Very good; canes looking well - - -	- - Larger than last crop, on some of the estates; pimento and ginger promise well; coffee will fall short, from being abandoned or neglected.	- - Good. Anxious to assist the working of the new system.
B. Edwards, p. 53.				
E. D. Philp, pp. 70. 88.	Much improved; working cheerfully, and to the satisfaction of their masters.	Forward, generally - - - - -	- - The 26 sugar estates in this district will average a larger crop than the last.	
H. M. Oliver, pp. 72. 89.	Satisfactory; no complaints - - -	Backward, owing to dry weather - -	- - Larger than the last, taking the average of the district.	
Captain *Elliot*, p. 12. (Parish not mentioned.)	Behaviour respectful, correct and subordinate, but not improving in industry; witness "the negligent appropriation of their own time;" petty thefts rather increasing.	- - No sugar estates. The grass lands in their usual state of cultivation.	Average ginger crop - - - - -	Unobjectionable.
ST. ELIZABETH.	Steadily improving; civilization, and with it some sense of moral obligation, making progress among them.	- - Never in a better condition, though in one case above the average proportion of plant. On the two other sugar estates the field has been reduced; but not from want of labour. It will be increased again for next year's crop.	- - Sugar very good; coffee short; but want of labour not complained of.	- - Good. They understand their position better; and are reconciling themselves to the new system.
J. Daughtry, p. 50.	But the children are growing up in total ignorance, and in habits of indolence and dishonesty. In dependence upon the Parliamentary pledge, private efforts have been suspended, till the mischief is nearly irreparable. They should be separated from their parents; and regular employment should form part of their education.	Cultivation of ginger greatly extended. And the labour thus employed has left many of the pens in a state of comparative neglect. Those which have had the usual number of hands employed upon them are as usual.	Pimento and ginger both good.	
J. Gurley, p. 5.	Few complaints of want of industry; more desirous than hitherto of employment for wages. But petty thefts are still prevalent.	- - Suffering from dry weather (only one sugar estate.)	- - Prospect gloomy; on account of the dry weather alone (overseer's own statement.)	No fault.
J. Reynolds, p. 63.	Well disposed and anxious to be employed for hire in their own time.	- - - - - - - - - -	- - The young coffee plantations will make very excellent returns.	- - In many places too severe; and upheld by the attorneys. Also unwilling to give information as to the state of their lands.
W. H. Bell, p. 90.	Perfectly quiet and orderly. Wages not regularly offered, as there is not much enterprise as yet.	- - Very good, generally; canes well managed; properties clean; ploughing; and as much plant in for next year's crop, and in many places more than usual at this period. Other sorts of agriculture improving. Pimento walks opening; coffee and ginger planting in lands that lay idle before. Small settlers doing better.	- - Very good. Of 15 estates, half will exceed by one-third, and some will double their last year's crop; the other half will make the same as last crop.	Praiseworthy.

MANCHESTER. *Arthur Welch*, p. 1.	Good. The apprentices generally working in their own time for hire, at the rate of 2*s.* sterling for picking a barrel of coffee. Many of the estates have not required the interference of a magistrate since the apprenticeship began. On many, however, theft is prevalent. When the coffee is on the trees, a barrel can be picked by 11 or 12 o'clock, and then the apprentices can pick another barrel for hire. One barrel is all that is required by the overseer, and considered fair work. All depends on the management. Means of education much wanting; and especially infant schools. Less medicine taken, and thence less skulking.	- - All coffee. Ripened a month earlier than usual. On many estates a greater quantity already picked than the whole crop of last year. A great deal of young coffee putting in wherever it is possible.	- - The crop will average as good as any ever taken off; and no difficulty in doing so. The coffee not coming on very fast, owing to unfavourable weather.	- - Not so good as it might be. On many estates the customary allowance of salt refused. Not setting a good example; too generally living in a state of concubinage and inebriety. Proprietors should reside; the apprentices who have not been well treated will go elsewhere when free, and thus much property will change hands.
Mr. *O. Brown.*	Behaving well; and doing as much work in the eight hours as ever they did in eight hours during slavery. (No overseer disputes this). In crop time, no instance of refusal to work for wages. At other times they are not asked, the managers not being able to afford the wages they require. They will work cheerfully at any time for 2*s.* 6*d.* currency per day; but not for less. Mr. B. thinks, that if they were paid less, a day's work on their own grounds (which are fine and extensive) would be more profitable. Only one or two estates where the parents will make any arrangement with the owners for medical attendance, salt, &c. allowed to their children.	- - Coffee district. Cultivation in a very good state, except on one or two properties, where there are bad managers.	Very large - - - - - - -	- - Kind and conciliatory; continue the customary allowances, and employ doctors for the free children; though the parents will make no arrangement to repay them for it in any way.
W. H. Alley, p. 90.	Behaving well; good understanding between master and apprentice; generally working in their own time for hire. Where an uniform system as to hours of labour has been followed, they work willingly; and where task-work has been adopted, they work cheerfully, and very frequently after their task is finished, they can earn from 3*s.* to 4*s.* in working in the remainder of the day.	- - Chiefly cattle pens and coffee plantations. State of the district of the most promising nature.	Abundant - - - - - - - -	Good (apparently.)
CLARENDON. *Facey*, p. 6.	Encouraging. Good feeling between master and apprentice.	- - Very promising, as far as can be collected from the planters and head-men. Usual plant canes put in (with few exceptions) and in the usual state of forwardness, both as regards the cleaning, and in other respects aiding the progress of the ensuing crop.	- - Will considerably exceed the last (seasons permitting.)	- - Good. The nature of the Abolition Law generally well understood.
R. J. Langrishe, p. 56.	Very good. Much improved in every way; generally orderly, sober people, discreet in their general conduct, anxious for instruction, especially religious instruction; beginning to marry; crime astonishingly small; keep their grounds in good order, and their	- - Remarkably good; on all the sugar properties there is every appearance of a very early and prosperous crop. The cane pieces are clean, showing evidently the great extent of labour. Mr. Caston, of Whitney, has frequently declared that he has never (during the	- - On some estates the late rains have chilled the plants, and there may be some disappointment in the quantity of sugar at present expected; but, generally speaking, the managers expect a very superior crop to last year's, and are confident that it will be properly taken off.	- - Growing reconciled to the new system. (*continued*)

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
CLARENDON—*cont^d.* *R. J. Langrishe*, p. 56, *continued.*	their houses better than under the old system; work well in their master's time, and do not refuse to work occasionally in their own time, but prefer being paid the time back again to money, because a negro can in this district make more by working in his own ground than any sum his manager would give him. The system works far beyond expectation.	the 13 or 14 years he has been overseer of that estate) known the property in so flourishing a state, or so forward as it is at present. The small coffee plantations are many of them ill managed, and less prosperous, and give the magistrate some trouble.		
VERE. *J. Nolan*, p. 84.	Praiseworthy in most instances; orderly and respectful; work cheerfully during the hours of labour. The women (who were the most troublesome) now conducting themselves in the most orderly manner; seldom complained of, except for some minor offence; expects to be able to make arrangements for night-work in crop time for adequate hire, to the satisfaction of all parties; general good feeling between manager and apprentice.	- - Cane crops in a very forward state; crop will commence some weeks earlier than last year. Guinea corn crop in the highest state of cultivation. Cultivation generally far exceeds any expectation that could have been formed by the most sanguine abolitionist.	- - All the estates will make a larger crop than has been made for some years.—(Manager's own statement.)	- - Very good and kind; customary allowances not withdrawn; in most instances the free children receive clothing and medical attendance, and the old and infirm taken care of.
ST. DOROTHY. *A. N. M^cLeod*, p. 82.	As good as could be reasonably expected; does not apprehend any difficulty in getting off the crop; does not credit a report that they had come to the resolution of not working for wages.	- - - - - - - - - -	- - Overseers predict a general failure; but each of them (with the exception of two) expects his own crop to be as good, if not better, than last year. Two of them (Mr. Brown, of Chateau, and Mr. Hannaford, of the Whin), expect a falling off in their own crops, and a general diminution. Mr. N. has heard nothing which would have led him to anticipate any considerable diminution as compared with last year's crop.	- - Knows no instance in which they have endeavoured, as a body, to act unjustly towards the negroes. Anything like tyranny or oppression is impossible as long as the magistrate does his duty.
ST. JOHN'S. *E. D. Baynes*, p. 23.	Work fairly in the master's time; custom of working for wages dropped since crop; (does not say whether they have been offered); if they could be induced to work in their own time the whole year round it would be more profitable than employing jobbers; (does not say whether jobbers have been employed since crop.) No visible moral improvement; offences not decreasing; thefts, especially of canes and provisions, as frequent as ever; children growing up in idleness.	- - The majority of estates in a state of high cultivation; especially Spring Vale and Water Mount.	- - Prospects for next crop extremely favourable throughout the district, but planters uniformly refuse to give any estimate of the probable return.	Not alluded to.
ST. CATHERINE. *Moresby*, p. 35.	Behaving well where they are treated well, but where "harsh language and unfair treatment prevail, utter confusion is the consequence." "Nothing but the fear of punishment will then induce the apprentice to work; and the destruction of horses and other stock belonging to the manager exhibits the latent feeling."	- - Crops suffering from want of rain; pens parched up; much land (pasture) uncleared and uncleaned, owing to the more extended cultivation of Guinea corn, which draws away the labour, and pays the proprietor better than cleaning his pastures. Coffee and pimento estates in as good a	May be short from the dry weather - -	Not uniformly good.

	their conduct is much better than could be expected; houses good; becoming habitual in attendance upon some place of worship; show great regard for the obligation of an oath; strong feelings, strong passions and acute sense of injustice. On the sugar estates, no complaints of insufficient work brought; on the others, none made well out. Petty complaints frequent, but chiefly from females; thefts common, but chiefly by boys; insolence complained of, but generally not unprovoked.	like management.		
St. Thomas-in-the Vale. *T. W. Jones*, p. 54.	Not doing so much work during the 40 ½ hours as they should do; for the most part sullen and obstinate; owing, in a great degree, to a change from the nine-hour to the eight-hour system, which made them so discontented that the police was required to reduce them to obedience. They are now behaving better, and there is no doubt but the crop will be taken off as usual, either for allowances or for wages. On those estates which have preserved an uniform system of work, the apprentices have behaved better.	- - The canes and coffee trees present a beautiful appearance, which promises an ample return to the planter. The plough has been introduced with perfect success on many estates; and the planters begin to perceive that the cultivation of canes can be carried on, even after the apprenticeship, with one-half the complement of labourers, and perhaps at half the expense.	- - Not particularly mentioned, but apparently an ample crop is expected.	- - Kind, encouraging and indulgent.
James Harris, p. 60.	Not working willingly for their masters, and when compelled, doing insufficient and imperfect work; in a state of apathy and indolence, but better than last year; a gradual inclination to labour for wages showing itself on many properties; on some properties they declined to labour in their own time last year during crop; though, on most of the properties, many laboured cheerfully for the usual allowances, rum, salt, &c. On many properties they refused to labour in their own time out of crop; on others, they demanded higher wages than could be given (from 2 *s.* 6 *d.* to 3 *s.* 4 *d.* per day); but they will mend gradually.	- - Well attended to. The cane plants, as well as the canes for next crop look well and flourishing; some weak-handed estates have not so much land in cultivation as usual, from want of jobbers. Every estate has already put in a certain quantity of plants, and is preparing more land for the same purpose; and it is generally expected that the fall plants will be established in the proper season.	- - Better than the last, with some few exceptions. Coffee crops expected to be good.	- - Generally kind and considerate; disinclined to bring complaints (except in gross cases) for insufficient work; even inclined to remit the punishments inflicted by the magistrates; a kind of indulgence which does harm rather than good. There are one or two overseers very strict, and fond of bringing complaints for trivial offences, which also has a bad effect.
St. Ann. *J. A. Dillon*, pp. 48. 74.	Working freely for hire; on one estate the pimento crop entirely got off by Saturday labour; crimes not many, nor very serious ones; mutual good-will and forbearance gaining ground.	- - Very good and promising; on one estate they are erecting expensive works; on another, extending plantations; on a third, forming estate roads.	- - The coffee crop will exceed an average return, both in quality and quantity. There are seven sugar estates, which are described as in a good state, and promising well.	- - Strict and fastidious; but not unkind.
J. Woolfreys, p. 86.	Apprentices orderly and working well, except in a few isolated cases; they are contented where the nine-hour system prevails; but there is much and increasing dissatisfaction where the eight-hour system has been introduced.	- - The pens in good condition; pastures clean, and the walks in good order.	- - Only four sugar estates. On one, which yielded 50 hhds. last year, the next crop (with the same hands) will be 90 or 100. On another, which yielded 40, there will be 60 or 70. On the two others, there will be a falling off; on one, because it is shorthanded and	- - Good; and such as should create a good feeling in the minds of the apprentices.

The

(*continued*)

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
ST. ANN—*continued.*	The planters admit that the apprentices are working better and more orderly than last year.		and the pimento picking encroached on the cane planting, so that there are eight acres of cane holes dug but not planted; on the other from want of sufficient strength. The pimento crop will depend mainly upon the weather.	
J. Woolfreys, p. 86—*continued.*				
H. Laidlaw, p. 48.	Conducting themselves with order and propriety, and doing as much work (for the time of work) as formerly. Not commonly required to work for hire in this district, except during the coffee and pimento crops. No indisposition to labour for wages when offered. Pimento crop was abundant, and as readily taken off as formerly. Complaints becoming rare, and generally only affecting individuals, not the whole gang. Managers satisfied with their general conduct, and the amount of work they perform. Jobbing gangs worse off, and give some trouble.	-- Not mentioned, but may be inferred to be good.	-- Not mentioned: probably the same as usual.	Good.
S. Rawlinson, p. 80.	Much improved - - - - - -	- - - - - - - - - - - -	-- Three estates have a prospect of very good crops, "but it has cost more money in hire." The other four have an indifferent prospect.	-- Good; no complaint for the last four months.
W. H. Sowley, p. 88.	Giving satisfaction to their employers. Complaints few and trifling.	-- Cane fields in a high state of cultivation. The ensuing crop equal to this; on many estates better.	- - - - - - - - - -	-- Everything wears a cheerful aspect; complaints few.
ST. MARY.	Peace, good order and contentment; crime and irregularity diminishing; spirit of industry growing; good understanding between master and apprentice.	Backward - - - - - - - -	-- Good, owing to the favourable weather. On some estates better than last year.	-- Considerate, mild and indulgent.
Thomas, p. 18.				
Lambert, p. 34.	Perfectly tranquil, working to the satisfaction of the employers.	-- A much greater quantity of cane planted than this time last year.	Better than last year, seasons permitting -	-- Good; no complaint for for three months.
H. Walsh, p. 78.	Improving every way; more moral, virtuous and rational on all matters connected with their duties; they work well. On some estates they work for wages on Saturdays, digging cane holes from 100 to 160 each. When kindly treated by their masters will do anything for them.	-- Plenty of canes and ratoons down, and all better than we could have expected.	-- "In my opinion the crops promise well for next year; and, instead of things falling off, they will vastly improve under the apprenticeship system."	Better than it was.
W. Marlton, p. 81.	Orderly and industrious; they have cheerfully laboured during crop, both in the estate's time and in their own, for wages. Where there is good feeling between apprentice and manager the work goes on in the best manner, and this feeling is become general.	-- Very forward and promising; cane fields clean; season unusually favourable.	-- The returns next year will far exceed this year's, if the apprentices go on as they have been, and no accident happens to the plants.	-- Good feeling between apprentices and managers.

ST. ANDREW'S. *Lloyd*, p. 15.	Eight thousand apprentices; four-fifths of them well-disposed, and placing confidence in the law and the magistrate. The women becoming more obedient, and a kindlier feeling between managers and apprentices.	-- Sugar estates forward, and in good order. On several an increase of crop manufactured, as compared with last year. Pimento not a general crop, but good where cultivated; well saved, and already in the market. Coffee fields in a forward state.	-- Increase of sugar expected; coffee will be short this year, owing to a failure in the early spring blossom. Good crop next year expected.	
S. Bourne, p. 31.	As industrious as can be expected under the circumstances, and, with few exceptions, respectful to the magistrate and obedient to the laws.	Both sugar and coffee doing well - - -	-- A full average crop. At Clifton Mount, where the people are much complained of, the crop of 1834 was 50,000 lbs. of coffee; of 1835, 80,000 lbs., and the next expected to be 120,000 lbs.	-- The majority good, patient and humane. Some set themselves against the law, and consider the magistrate as an intruder.
ST. GEORGE. *R. St. John*, p. 13.	Improving in industry. A great part of them have agreed to work in their own time, during crop, for reasonable wages, which was not so before.	-- Work goes on well, fields in good order, and both parties satisfied.	-- Short this year for want of rain, but a very abundant return expected next year.	-- Only two complaints brought against them, and these disproved. Disposed to encourage the apprentices when they are industrious.
Fishbourne, p.	Generally very good - - - - -	-- Very good on almost all the estates; not bad on any.	-- Good, upon the whole. 2,238 acres; 2,177 hhds. Expected to be much better next year.	
Hewitt, p. 24.	Satisfactory, working willingly and well, labouring 40½ hours a week. A given number of persons will dig an acre of cane holes in the same number of days that they completed it in formerly, when they worked on an average 61 hours per week. Complaints rare.	-- Proceeding satisfactorily. The panic of 1834 has subsided, and people have become sanguine. Number of acres planted this year very considerable; about 75 acres to every 300 apprentices.	-- Crops of next year better than this year's, and those of 1837 better still.	-- Good; hardly any complaints.
ST. THOMAS-IN-THE-EAST. *Dawson*, p. 8.	Apprentices generally quiet, but thefts on the increase, and several of a very daring description; also many complaints of bad turning out, and an insufficiency of work. Open acts of violence prevented only by the fear of punishment. They now understand the law better. Disposition to work for wages on the decline. Persist in refusing to put their free children under the care of the masters.	In many places backward - - - -	-- Prospect of a good crop next year very doubtful.	Not alluded to.
Lyon, p. 9.	Very good; little of serious crime or misdemeanor; offences generally of a petty nature, and confined to a few individuals. The majority of the apprentices free from any crime. Work performed, in general, quite "equal to the aggregate of slave labour;" and	-- Growth of canes very luxuriant from the quantity of rain, so has been the growth of weeds, hence the cane pieces extremely foul, and the labour much increased; but the majority of estates have gone through all the usual work, and planted a fair proportion of	-- Prospect of ensuing crop extremely gratifying.	-- Not good; require to be well watched, in order to prevent oppression; petty tyranny (in bringing charges "supported by witnesses influenced by the overseers") carried

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
ST. THOMAS-IN-THE-EAST—*continued.* *Lyon*, p. 9—*continued.*	and scarce an instance of a deficiency greater than the reduced hours of labour would justify. The greater number of offences arise solely from the injudicious or oppressive conduct of the overseers.	of canes; they are also continuing cultivation, and preparing for the crops of future years, feeling that the estates may be profitably cultivated during the apprenticeship.		carried to an extent which the magistrate cannot altogether prevent. The greater the docility of the apprentices, the more they are disposed to encroach upon their legal rights. The attorneys should have changed the managers when the system was changed. There are very few who are fit for their present charge.
Willis, p. 15.	Quiet and going on tolerably well; behaviour respectful, and doing an additional quantity of work, but not so much as they should do "in the time allotted them by law," [meaning, probably, the master's time].	- - Cane fields looking remarkably well, but the cleaning of pastures, in many instances, neglected.	- - The planters say a correct estimate cannot be formed, but the appearance of the fields promises a fair return.	Not alluded to.
T. Baines, p. 20.	More contented and cheerful, and doing more work than when Mr. B. commenced his duties, and their industry may be expected to increase; but they do not perform all the master is justly entitled to.	- - The canes look well, but a portion of land has been thrown out of cultivation to meet the reduced quantity of labour, and because the cane pieces had been left uncleaned, their whole strength being required to take off last crop.	- - The planter seems satisfied with the prospect before him, though they all anticipate a falling off, in consequence of the reduced number of acres planted.	- - Conciliatory and indulgent. The free children receive protection and medical aid when applied for.
ST. DAVID. *Dunne*, p. 8.	Fewer complaints: aware of their duty, and perform it as cheerfully as could be expected.	- - Good; both coffee and cane fields in good order.	- - Sugar crop will exceed last year's, on one estate by 50 hhds. Coffee crop may fall short of last year's, which was a heavy one, but is expected to be of a superior quality.	- - Disposition to prefer complaints sensibly decreasing.
PORT ROYAL. *H. Kent*, p. 92.	Well-disposed and work cheerfully, except the women, who do not turn out well in the mornings.	- - Coffee trees do not present a promising appearance.	- - Coffee crop expected to fall short of last year's by above half; Captain K. thinks about one-third.	- - Very forbearing; seldom hear of any acts of tyranny.
COUNTY OF SURREY. Captain *Ramsay*, p. 34. (After passing through St. Andrews, Port Royal, St. George's, St. David's Portland, and part of St. Thomas-in-the-East.)	Apprentices tranquil, sometimes late in turning out, but performing their work cheerfully and well.—(Overseer's statement.)	- - Coffee trees in full bearing; cane fields looking clean and well.	- - Sugar crop next year good, and increased. Coffee will fall short, owing to the abundant crop last year, and the late seasons.	
Emery, p. Speaking from general report of the state of his county. (Surrey, I believe.)	Understand their position better every day, and more inclined to do extra work for hire.	Good - - - - - - -	Appearances favourable.	

— Appendix, No. 12. —

ABSTRACT of REPORTS from Fifty-seven Special Magistrates of *Jamaica*, relative to the Conduct and Industry of the Apprentices; the State of Cultivation; the Prospects of the Crop; and the Conduct of the Masters, in their respective Districts; for the Quarter ending in March 1836. Enclosed in Lord Sligo's Despatch, No. 401, of the 2d of April 1836.

Colonial Office, 29 July 1836.

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
TRELAWNY.				
Hawkins, p. 135. March 31.	On most of the estates taking off crop in a satisfactory manner; all the mills about; overseers say that generally they are making a fair proportion of sugar during the week. Eager to work for hire, with a few exceptions (owing to jealousy, because higher wages are paid on some estates than on others). Complaints very much decreased; fewer, probably, than in any other part of the world, considering the number of apprentices. "Appear to feel the benefits of the Abolition Law, and to assert their rights as men."	- - No preparations for ensuing crop; all the apprentices employed in taking off the present one. Negro grounds not cultivated as formerly; provisions growing scarce.	- - Most of the estates have fallen short of their estimate during the commencement, but look to make it up on the last part of the crop; owing to the fine rains which have fallen for the last fortnight.	Very kind and indulgent.
Pryce, p. 49. March 29.	Improved. District orderly and tranquil. On one estate where, in 1834, they were in a riotous state, they are now behaving so well, that they will make the best and largest crop in the district. Generally working eagerly in their own time for wages; ordinary rate 1 ½ *d.* per hour, or 1 *s.* per diem, for eight hours extra time during crop. On some properties 1 *s.* 6 *d.* sterling, or 2 *s.* 6 *d.* currency, for a day's labour of ten hours. Complaints fast decreasing, and punishments almost disappeared. Abundance of grounds; attend to them much as usual. Women not so well behaved as the men; more insubordinate and less respectful to authority. Some system of combining industry with education much wanted. Much mischief from the want of uniformity in the working hours; also from the herring allowances, &c., which ought to be abandoned, and the master and apprentice made independent of each other, so far as that goes; has advocated the stoppage of herring allowances from all able-bodied people equal to field duty. Considers the apprentices, collectively, the least refractory and most submissive peasantry in the world. A school has been set up by Mr. Thorp, at the Good Hope, with very good effect; more wanted.	- - Fine rains latterly, which promise good returns for 1837. Planters establishing a large plant, and encouraging the apprentices to work for wages, which was only partially the case last year. Crops and works generally more forward than this time last year; the present crop expected to be the smallest during the apprenticeship.	- - Mills all about; and manufacture of sugar going on satisfactorily everywhere; quality excellent. But most of the estates falling short of their estimates, from the want of seasons and the neglected state of the cane fields during last crop. Neither the planters nor the apprentices to blame.	- - No complaint; apprentices show more confidence. The magistrate ably supported by many of the proprietors and managers in his endeavours to inspire and promote mutual confidence between master and apprentice.
Thomas, p. 27. March 31.	Good order, tranquillity and contentment. Complaints fewer; 23 estates visited during the last week, out of which 21 presented no case of complaint. Apprentices work industriously for hire, "taking either money or kind for extra labour." Provision grounds abundantly stocked with provisions. Different offences prevail at the different seasons, but all are on the wane.	More forward than this time last year - -	- - Crop now taking off must fall off "a large third" from that of last year. Cane very thin and dry. Some ascribe it to the bad seasons; some say it is unaccountable. The quality, however, everywhere excellent.	- - Liberal, kind and considerate; cannot be too much praised.

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—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
TRELAWNY—*cont*^{d}.	System working better than anybody expected; crime manifestly on the decrease.	Not mentioned - - - - - - -	- - Will fall off from 15,000 to 16,000 hhds. of sugar; not more than may be accounted for by the shortening of the hours of labour; the loss of labour by commitments to the workhouse, penal gangs, &c. &c., instead of flogging; the loss by deaths, which are not supplied by young people; and the general arrowing of the canes. The increase of price will more than compensate the loss.	Not particularly alluded to.
Gregg, p. 155. March 30.				
ST. JAMES'S.	Behaving as well as could have been anticipated; crime greatly diminished; complaints more rare. Work willingly for hire in digging cane holes, at which, they earn from 5*s.* to a dollar per diem; but will not take 2*s.* 6*d.* per diem for cleaning canes. Prefer working in their grounds and gardens, which yield abundance of provisions. Well off for hogs and poultry; many have horses and cattle. Churches largely and regularly attended.	- - Much more forward. Next year's crop will be equal, if not greater, than last year's; and the system has latterly worked so much better, that the future crops may be expected to be very much increased.	- - Will fall off a third from last year's; owing to the late period at which last crop was completed; by which the planting and cleaning, and other preparations for this crop, were thrown back; owing also to the dry weather of last August, July and September.	- - Very kind. Give them all the usual allowances. Very few complaints against masters or managers, and altogether a better feeling between them.
Cocking, p. 229. March 31.				
Carnaby, p. 221. March 29.	Offences decreased; and most of them relate to the internal management of the estates, rather than any violation of the laws; chiefly neglect of work or absence. The work goes on during this crop more rapidly than last year; agreements for extra work have been made without calling in the magistrate. But the apprentices not eager to work in their own time for an adequate pecuniary return; provision grounds too plentiful on all the properties, the negro has abundance of ground to cultivate; and with two or three exceptions, the grounds are in better order than at the commencement of the system.	- - Field labour much more advanced than this time last year. On many estates nearly double the quantity of new plants are in the ground; and the other field operations so forward as to promise a great increase of produce next year.	Not mentioned - - - - - - -	- - Has had to impose a few fines; but generally, from errors and misapprehensions, not wilful violations of the law. Disposed generally to aid the abolition measures. For the most part patient and temperate, and prudent in selecting cases to bring before the magistrate; but wherever this is the case, the greatest prosperity and good feeling prevails.
Facey, p. 171.	Wherever they have been well treated they have been in general well behaved; working cheerfully in their own time for pay, wherever they could get the highest wages. Provision grounds well attended to. Crop getting off rapidly.	- - Unusual quantity of plants put in; well attended to and healthy; promise a larger crop next year.	Doubtful. Not well managed last year - -	- - Not very good, apparently, but better of late; complaints much fewer.
Finlayson, p. 169. March 29.	In general industrious and well behaved. Some discontent on some estates, because the customary salt provisions were withheld, and the nine-hour system was exchanged for the eight. Offences about the same in number, but of a less serious kind. Provisions abundant; grounds better attended to than formerly.	- - Much more advanced than this time last year. Preparations for ensuing crop more extensive than for the last two years.	Not mentioned - - - - - - -	- - Generally kind. Some instances of strictness and severity, which have a bad effect.

Odell, p. 73. March 29.	Perfectly tranquil; offences both fewer and less serious. Willing to work for hire. Provision grounds as well or better attended to than before August 1834.	- - Diligent preparations; wages for extra labour freely offered.	- - Will fall off 10 per cent. as compared with the last; owing chiefly to neglect last year.	Not mentioned.
HANOVER. *Cooper*, p. 209. March 29.	Great tranquillity. Fidelity and cheerful industry wherever there is justice and discretion in the masters; in general they work cheerfully and well. On most of the estates no fault complained of except late turning out. Wherever more serious offences occur, it is owing to mismanagement, past or present, such as stopping their fish in order to extort more labour, adopting the eight-hour system, &c. &c. This "without a single exception." But a great majority of the estates are well managed; offences much fewer and less serious; punishment rare. Eager to work for hire, wherever they are sure of being adequately paid; and not only the field-labourers, but the mulemen, carters, fishermen, rat-catchers, and even domestics. Working for wages in their own time has become so general that the jobbers are thrown out of work; in one instance as much as 75 per cent. Fair play and instruction only wanting to make the negro a useful and respectable member of society.	- - More forward than this time last year, owing to the voluntary labour of the apprentices. Negro grounds well cultivated, and provisions plentiful.	Not mentioned - - - - - - - -	- - Good on a great majority of estates; some exceptions. Encroachments on their time much complained of by the apprentices; hard to prove; but (Mr. C. thinks) often with reason. Recommends that "shell-blowing" time should be fixed by law. Much discontent also caused by "the wanton use made by some overseers of the imaginary right of locking up whom and whenever they please." Mr. C. has succeeded in removing this in great part.
Holme, p. 125. March 29.	On 20 properties for the last three months there have been no complaints; altogether fewer than formerly, and chiefly for neglect of watch or loss of time. Corporal punishment rare.	- - Preparations more extensive for next year, and work more forward than this time last year. On some estates they have put in more plants than for several years past; so that a considerable increase may be expected.	- - Twenty-two estates in the district: nine will fall off from last year's crop; six will exceed it: the rest expect an average one.	Not mentioned.
WESTMORLAND. *Kelly*, p. 119. March 29.	With few exceptions, working cheerfully and well. District in good order; crime more rare. Has visited the estates 326 times during the last four months, and had complaints laid before him only on 42 occasions, and those for the most part trifling ones. Attend their several places of worship regularly.	- - Good sugar crops expected next year - Apprentices have as much ground as they wish to cultivate, and are attending to them.	- - Only four sugar estates; of which three will exceed their last crops. One will fall off owing to "the scarcity of canes," "not to the bad working of the apprentices during crops." Many ginger properties; nearly all will exceed their last year's crops.	- - A good feeling between master and apprentice, except on small settlements.
Oliver, p. 69. March 28.	Industry not less, according to the managers; "the decrease of offences decidedly much so," (meaning, offences much decreased.) Complaints not serious.	- - As forward as usual; forwarder than last year, and promise an increased crop next year. Grounds of the apprentices abundant, and well cultivated.	- - - - - - - - - -	- - Good. They often adjudicate themselves in small matters, rather than apply to the magistrate, which has the effect of producing confidence and mutual good feeling. Several large estates very well conducted and with good results.
Phelp, p. 45. March 29.	Satisfactory to all parties. Behaviour respectful; complaints fewer and of a trifling nature. Corporal punishment rare.	- - Greater number of acres planted than last year. Fine crop may be expected next year. Negro grounds in good condition; most of them in higher order than formerly.	- - Retarded by weather, but a fair average crop will yet be made.	- - Good. Disposed to hire them whenever they are inclined to work in their own time.

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—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
ST. ELIZABETH. *Bell*, p. 233. March 29.	Complaints of all kinds much decreased; had decreased to nothing, but within the last month has had some trouble, owing probably to his absence for some weeks, or to its being "cane-hole time," which is harder work; and perhaps they think the plough ought to be more generally used. The offences are chiefly loss of labour, neglect of watch, injury to cattle, insolence, loss of labour in sawing and splitting shingles when alone in the woods; recommends task-work and wages: distaste towards managers wearing away, but not got over; continual change of managers has a bad effect; wages not generally offered, but where they have been offered have been accepted, with one or two exceptions, for the double spell, and in some instances for the Saturday.	- - The field, in point of cleanliness, much as usual; trash turned on much of the ratoons, and young plants cleaned; plough at work, wherever there are cattle enough to work it; will come into general use, as the returns improve and speculation is encouraged again; rains fell early, which has enabled many to put in a very early spring plant, without injury to the present crop. Negro grounds in as good order as formerly; apprentices have a fancy to cultivate ginger, arrow-root, &c. in them; provisions enough for themselves, but in some instances not so much for sale as formerly.	- - Not finished yet, many as forward as usual, others retarded by the early rains. Twelve estates out of the 14 will make more than last year; one or two double; others, 10 or 12 hhds. increase; others less; but some increase on all except two, one of which will fall off 16 hhds.; the other, 20. Loss of labour not complained of on either of these till lately; the falling off must be ascribed to the withdrawal of jobbing; it will be otherwise next year.	- - Apprentices generally well treated.
Daughtry, p. 201. March 29.	Improving; more good humour, less distrust. Not a single atrocious crime during the whole quarter, and minor offences comparatively rare; several entire weeks without any complaints; no corporal punishment; more general civility, and an improved scale of labour. Willing to be taught, and not unapt; their intellectual advancement quite keeps pace with the pains bestowed on them; value of instruction proved by the different temper and behaviour of the negroes on the two or three estates which have not had the advantage of it; much good done by the prevalence of marriage, "which they enter into cautiously, aware of its restraints."	- - In many instances a decided advance in cultivation, and preparations carrying forward which promise a still better crop next year than this.	- - Three of the four sugar estates will make larger crops than last year, and produce of a superior quality. The present crop of ginger will considerably exceed the last, more having been planted; so with the pimento crop, and there is no doubt but they will be got in.	Not mentioned.
Reynolds, p. 39.	Industrious and honest; show an excellent disposition, particularly on large plantations; no occasion to inflict corporal punishment for some time past; desirous to earn money by labour in their own time; apprentices of Corby Castle will not work under 2*s.* 6*d.* a day; thinks 1*s.* 8*d.* and 2*s.* 1*d.* quite enough.	- - Not mentioned; apprentices have, generally speaking, abundance of excellent provisions.	- - Coffee plantations looking well, and promise an abundant crop.	- - Small free Indian settlers in the Savanna lazy, indolent and vicious, and inclined to withhold from the apprentices their proper allowances.
Thompson, p. 25. March 28.	As peaceable as could be expected, and complaints not of a serious kind; but some trouble in the town of Black River, owing to the misconduct of the lower classes of the community; not very respectful to their	- - District composed of pens, all but one estate, which, from peculiar circumstances, is rather backward.	Only one estate, which is backward - -	- - As kind as could well be expected; pass over many offences which might be punished.

	masters, especially to the small settlers; somewhat indolent, and disposed to evade labour where they can.			
MANCHESTER. *Alley*, p. 251. March 30.	Satisfactory; complaints nearly ceased; anxious to receive instruction, and attend the different places of worship in great numbers, and behave in an orderly and attentive manner; willing to work for hire, and have done so, wherever required.	- - Coffee pieces not so forward in regard to cleaning as formerly at this period of the year.	Coffee crops have been very abundant - -	- - Very good; disposed to maintain their authority by such means as ensure confidence and respect from those they are set over, hence the satisfactory state of the district.
Grant, p. 151. March 30.	Industrious; show every disposition to work for hire; complaints commonly for turning out late, and these of late more rare; mild management answers best; appreciate the value of education more than is generally supposed; in one instance have been building a school-house on a piece of land given to the Moravians, by labouring in their own time voluntarily, and without any remuneration; the value of the labour thus performed already exceeds 100 *l.*, without estimating materials, their only object being to have their children educated; a number of schools lately opened in the parish, and well attended by the free children.	- - More backward than last year, owing to the heavy rains and to the largeness of the crop made this year, but generally as forward as it has been, on an average, for a number of years; the exceptions not owing to any indisposition on the part of the apprentices to labour in their own time.	Double last year's - - - - - -	Not mentioned.
Welch, p. 11. March 29.	All tranquil; labour going on fairly; as much work done in the estate's time as could be expected under a system of coercion; more people purchasing their apprenticeship than formerly.	- - The fields fast assuming an appearance of cleanliness, and the pruning will be very heavy; prospect of next crop a fair one; but it is not probable that so heavy a one as the present will be again gathered.	- - Coffee crop finished, and a great part either shipped or ready for shipment; large average crop, and gotten in with little labour and trouble, and a moderate expenditure for free labour; will probably average a tierce of coffee to each apprentice employed in agriculture, young and old; each tierce of 750 pounds being worth from 25 *l.* to 30 *l.* sterling in England.	- - Generally very kind; give the apprentices many indulgences; only a few who do not see the necessity of treating them well; many of the overseers glad that the power of inflicting punishment is taken from them; were formerly forced to be severe, in order to keep up their reputation in the eyes of the absentee proprietor, who did not see the cruelty which he caused. Proprietors and mortgagees should either reside themselves, or select at once steady trustworthy men, to whom they may lease their estates.
CLARENDON. *Chamberlaine*, p. 213. March 30.	As good as the most sanguine friend of abolition could desire or expect; offences trifling, and such as would not be noticed in a population enjoying unqualified freedom; eager for information, susceptible of improvement, and more enlightened and orderly, and better disposed, in proportion to the opportunities afforded them of moral and religious instruction; advice and admonition never thrown away on them, and has a much better effect than punishment.	- - Not mentioned; negro grounds as well attended to as formerly.	- - Crops generally forward, and no falling off; where there is, it is ascribed to various unavoidable causes, among which, Mr. C. specifies the scarcity of jobbing gangs, the proprietors of which do not find it worth while (in consequence of the reduced time of work) to send them to a distance.	- - Kind; but some of the attorneys do not encourage religious or moral instruction so much as they might.

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—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
CLARENDON—*cont*^{d}. *Gurley*, p. 147. March 30.	Mild and tractable, but indolent when working for their masters; their grounds, however, are flourishing, and they are ready to work for wages, and so promise to prove an industrious population hereafter. Punishments fewer; no complaints against the better sort, except for insufficiency of labour; among the ill-disposed, absence, petty thefts, and the ill-treating of stock, form the chief complaints.	- - Promising; cane fields in most instances flourishing; advantage has been taken of the weather, which retards the present crop, to plant and clean the young canes, so that the crop will be amply repaid hereafter.	- - Not so forward as usual, owing to the wet weather, which retards the manufacture and sometimes stops the mill; there will be an average crop.	- - Kind and liberal, except in one or two instances.
Gordon, p. 159. March 30.	Few complaints; new system as well understood and appreciated as in any part of the island; excellent feeling between masters and apprentices.	- - Not mentioned; negro grounds in a good state; provisions most plentiful.	- - As far forward as this time last year, notwithstanding the very wet weather in January and February.	- - Excellent understanding between masters and apprentices.
VERE. *Nolan*, p. 83. April 1.	Working cheerfully and willingly for wages; giving up all their extra time for 2*s*. 6*d*. a week and the usual allowances; some pay at the rate of 4*s*. 2*d*., and then the apprentices work night and day as formerly, for five days in the week, and often till one o'clock on Saturdays; they are so eager to earn wages, that where their extra work is not wanted on their own estate, they will hire themselves from sunset till 12 to a neighbouring property, for 10*d*. currency. The carpenters and tradesmen work regularly on Saturdays for 3*s*. 4*d*. a day, wherever they can get employment. Much less crime than last year, and more confidence and good-will towards their masters. Means of education wanting.	- - More forward than this time last year by a month or six weeks, both as to number of hogsheads of sugar manufactured, plants put in, cane fields supplied, and trash turned. The plough used with great success.	- - Getting on fast; a good deal of sugar already made, and of the very best quality; generally make with one set of coppers from 14 to 16 hhds. weekly, and the larger estates from 20 to 25, working nine hours by spells. The hiring system answers so well, that besides keeping the mills continually about, they can in many cases appropriate four afternoons each week to the cultivation of the estates.	- - Invariably kind and proper; payments regularly made at the end of the week.
ST. DOROTHY. *M*^{c}*Leod*, p. 87. March 30.	Much more work performed in their master's time than in the same number of hours during slavery; complaints much fewer and less serious than towards the beginning of the apprenticeship; runaways fewer by one-sixth than during slavery, and the number of persons obtaining admissions into hospitals on false pretences less by two-thirds; great anxiety to marry; many hundreds of couples who had long lived in concubinage have recently been married; strongest desire for education and moral instruction.	- - Not particularly mentioned; vain to expect as much produce as was made during slavery, but quite certain that more will be secured than was ever looked for in the same length of labouring time at any former period in the history of Jamaica. Negro grounds in a higher state of cultivation than was ever known.	Not mentioned - - - - - -	- - Complaints against them much more rare; upwards of seven months since any case of ill-treatment has occurred; in numerous instances kind and indulgent; though apprehending ruin at the termination of the apprenticeship, owing to the high price which labour will then cost.

St. John's. *E. D. Baynes*, p. 241. March 28.	Where discipline is strict, and not too strict, an adequate proportion of labour is given; in other respects they are not behaving so well as they were; complaints much more frequent since Christmas; number of runaways greater, and on some estates less labour; crime more frequent; burglaries and thefts committed in open day (but these suspected to be by free persons); the apprentices daily become more heedless of their masters and disrespectful (not, however, without provocation), this misbehaviour chiefly confined to certain properties, which have always been the worst in the district, and which show no prospect of mutual good feeling between master and apprentice. The causes seem to be: 1. Want of uniformity in the legal hours of labour, in the rate of wages, and in the distribution of indulgences; 2. The withholding of the half-Friday, by the introduction of the eight-hour system; 3. The prevalence of a report that flogging is to be altogether abandoned, which tempts the negroes to put the rumour to the test; as also the want of some mode of punishment which should be sufficiently severe without making them reckless (as is found to be the case when they are sentenced to repay any considerable number of days), from not being able to foresee any termination of their punishment: 4. Want of churches and the means of instruction; they are not improved in morality; marriages are more common, but do not operate as a restraint upon concubinage; baptism of children becoming fashionable, but only understood as "the white man's form of giving a name;" dishonesty, polygamy, promiscuous concubinage, and licentious practices still prevail.	- - With few exceptions, extremely satisfactory. Negro grounds in excellent order, but increased in extent.	- - Likely to fall short of last year's, owing to weather.	- - Apparently not good; too much addicted to arbitrary and provoking language.
St. Catherine. *Higgins*, p. 127. March 30.	Orderly and well-behaved; respectful in their demeanor; crimes very rare; house of correction never before so empty; on the great majority of estates no complaints at all, chiefly confined to the town, and for trifling offences; apprentices performing as much field work as they used to do in so many more hours.	- - Forward, apparently; on one large estate holes have been dug for eight acres of young plants, without the help of jobbers, which was never before done at the same season of the year.	- - As forward as usual, and an average return expected; sugar manufactured with the same facility and in the same proportion as formerly.	- - Satisfactory in general, and few complaints against them, but their manner and language haughty and intemperate, and their anxiety for flogging not abated.
St. Thomas in-the-Vale. *Harris*, p. 139. March 30.	Improving; complaints against gangs for insufficient work manifestly less frequent during the last three months; desire of working for wages as strong now as it was once weak, and they labour for hire with more energy than during the estate's time; agreements made to work in their own time during crop on all the estates but two, and on those two a private understanding to the same effect; extra labour only wanted in the boiling-houses, and willingly given. In their owner's time they do not work so well, and shirk it where they can. Offences much decreased; late turning-out, absence from labour, insolence, neglect of watch, are the ordinary complaints; the last less frequent lately; there would be more complaints, however, if cases of petty theft came under the special magistrate's jurisdiction. Dirt-eating has disappeared; places of instruction much wanted; the free children running wild.	- - Much the same as last year; some properties more forward; others less so; but pastures and feeding-grounds much neglected. Cultivation of the cane more or less extended on all the properties; great demand and high prices for jobbing, so that next year's crop (seasons permitting) may be expected to be much increased. Negro grounds cultivated by the better sort as well as before the apprenticeship, and provisions as plentiful; not restricted as to extent, but they prefer improving their houses and gardens, to the neglect of their distant mountain lands; some had rather work for hire, than cultivate lands for their own use; others are idle and worthless, and cannot be got to keep their grounds in cultivation; they trust to chance, or live by plundering their masters or more industrious neighbours.	- - Fair average on most of the estates, though not so great as was expected; some will exceed last year's; others will fall short of it; these, however, are chiefly poor or weakhanded, or badly-managed properties; the cause is, however, partly to be found in the reduced hours of labour, and an insufficiency of work during those hours.	- - Kind, considerate and forbearing; anxious to arrange differences amicably, and wish the magistrate to admonish rather than punish, where it is possible; mutual good feeling in consequence, though the apprentices may not duly appreciate their kindness; there are one or two exceptions, and in these cases the apprentices are irritable, untractable and discontented.

(*continued*)

	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
ST. THOMAS-IN-THE-VALE—*continued.* *Jones*, p. 139. March 30.	Complaints much the same; chiefly for neglect of labour, or for insufficient work. Their industry varies unaccountably; sometimes for two or three weeks they give every satisfaction, and then relapse into sullenness and discontent for no apparent reason. Wages have been frequently offered them for extra work, at the rate of 2*s.* 6*d.* per day, but in most cases they have refused; or perhaps undertaken a job, and then given it up after working two or three days. They are suspicious and distrustful, and will not accept what is offered for their benefit.	- - The season has been most favourable; and the young plant canes for next year are in a most flourishing condition. Coffee not so forward, as to cleaning, pruning, &c., as in other seasons, partly because the apprentices have been chiefly employed in the picking-room, the masters being anxious to finish and ship the crop of last year; partly because of their idleness while so employed.	- - Sugar crop will be an average one; some estates making more and some less than last year, but all the mills are still at work. A fair pimento crop expected.	- - Extremely kind and indulgent; doing all in their power to promote the comfort of the negroes, and to induce them to become obedient and industrious servants.
ST. ANN'S. *Dillon*, p. 183.	Docile and obedient as ever, and now deterred from crime, not merely by a fear of the pain of punishment, but by a sense of its degradation. "Pride, shame and character have their influence, and the result is an unparalleled diminution of offences." They now understand the Abolition law, and are grateful for it. In grounds, provisions, dress, horses, pigs and poultry, they are richer than any other peasantry. They crowd to hear Divine service, and there is nowhere a congregation more decorous in conduct and decent in appearance; crime rare; their offences consist of petty thefts, absence or neglect of duty; there has been no instance of their refusing to work for wages in their own time; they often seek employment at a great distance from their houses; the drawbacks are a want of truthfulness and of steadiness; they are active or indolent, cheerful or sullen, by fits, without any traceable cause.	Canes looking clean and healthy - - -	- - Great part of the coffee crop has already reached the wharf; the rest in progress, and field work in full operation; would have been a very large crop but for a blight in July, which many of the properties, however, escaped; the total shipped will bear a comparison with the three preceding years. The cultivation of sugar has been curtailed from causes well understood. On two of the most important estates, where 16 and 15 hhds. weekly was the average, they are now making 14 and 14 ½; at another, 12 acres of plants have just yielded 36 hhds.; and on this and the other properties good crops will be made.	- - No cruelty whatever, and daily evidence of kindness and good-will on the part of all the proprietors and many of the managers. The best crops have been made where there has been no punishment.
H. Laidlaw, p. 109. March 28.	Improving; no complaints against gangs for insufficient work; managers themselves seem to be satisfied; some of them admit that as much labour is performed during equal periods as at any time during slavery; complaints diminished more than 12 per cent.; insolence and insubordination rare; complaints confined for the most part to individual instances of neglect or absence. Very little extra labour wanted, but no indisposition to work for fair wages; have been hired at the rate of 1*s.* 8*d.* currency per day, the rate for jobbing gangs being 2*s.* 6*d.* currency; means of education much wanted; children growing up in indolence and ignorance.	- - Not mentioned; negro grounds generally in an excellent state of cultivation, and provisions abundant; nine-hour system adopted to give them leisure to attend to their grounds, which they do not neglect to avail themselves of.	Not mentioned - - - - - -	- - Seem to be satisfied; no disposition in the managers of the larger properties to exceed the limits of the law; all the fines imposed on the smaller settlers; desirous of accommodating the apprentices as to the working hours, and a very satisfactory feeling prevails between them.

Rawlinson, p. 43. March 29.	Orderly and quiet; might perform more work during the legal hours: offences on the decrease; watchmen neglecting their duty, and occasional insolence from women in the field, are the chief complaints.	- - Not a sugar district; only seven estates; most of them have reduced their cane pieces one-fourth, finding it impossible with diminished labour to keep them in perfect order. The rest, being pen and pimento, is kept tolerably clean.	- - Not mentioned; probably to fall off one-fourth (*see* Cultivation Column).	- - Apprentices kindly treated, and all receive medicine for their free children when sick; no complaint from any one apprentice since last report.
Woolfrys, p. 5. March 31.	Orderly and well conducted; not relaxed in industry, but still show some degree of discontent at the loss of their half-Friday by the eight-hour system; last report showed a decrease of complaints, and there has been no increase since; chiefly trifling; as insolence, loss of time, neglect of watch.	- - No falling off in labour since September; fields and pastures in as good a state as can reasonably be expected for the limited time of labour. Negro grounds on many of the plantations well cultivated, and provisions abundant; on some not more than enough; others much neglected; in some instances they neglect their own and cultivate the ground of their wives or husbands, who do not belong to the same plantation.	- - Good average crop may be expected, though much will depend upon the seasons, with regard to the pimento properties in particular.	- - Good, for the most part; a few too fond of corporal punishment.
Souley, p. 31. March 31.	Considerably improved in their dispositions, and more industrious; they give a full share of work to their masters; crimes have greatly decreased, and complaints are fewer every day; they do not hire their time for wages except when the mills are about, "and that is only with the different spells;" but there would be no difficulty in getting them to do so if they were worked nine hours a day, and allowed every other Friday; they want their Saturdays for their own grounds; the Fridays they would give to the estate for wages.	- - As forward (many more so) as this time last year; the plough has been used in some places with considerable advantage. The negroes, with a few exceptions, have very good gardens and provision-grounds; and they do not appear to be neglected.	- - The cane fields all in good order; seasons mild, and good crops expected, but few have yet commenced crop; some of the small cattle-mills will have to be given up, but upon the whole no diminution need be looked for.	Not mentioned.
ST. MARY'S.	Apprentices not yet to be depended on for continuous labour on estates in their own time; will often prefer carrying provisions to a distant market, though for much less profit.	- - Not mentioned; buildings on many properties going to a state of dilapidation; also many private dwelling-houses. Negro grounds well cultivated.	Will not equal last year's - - - - -	Improved.
Davies, p. 197. March 29.				
Lambert, p. 105. March 30.	No material change; capable of close application and great bodily exertion where their direct interest is apparent; but they rarely exert it in their ordinary business, which gives rise to the greater number of complaints being chiefly for "neglect, indolence, and occasional absence;" complaints during the last quarter fewer than during the two preceding; not easily induced to work for hire on reasonable terms, owing to the unlimited extent and high cultivation of their provision-grounds; no appearance of bad feeling towards their masters; tranquillity of the district undisturbed, and no fear of its being interrupted.	- - As forward as last year on all the estates but one; on a great majority decidedly improved.	- - A falling off, compared with the average of the three years preceding 1834; (not clear whether this refers to the present crop or to the general state of cultivation.)	- - No bad feeling shown; all the usual indulgences continued, and no limit to the extent of provision grounds, but the complaints against them have been rather more numerous the last quarter than the two preceding.

(*continued*)

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
ST. MARY'S—*cont*[d]. *Marlton*, p. 93. March 29.	Satisfactory; and so most of the managers seem to feel; taking off the crop well, and eagerly selling their time for wages; they have more confidence in their masters, and do not appeal to the special magistrate so often as they did last year; offences neither increased nor decreased during the last quarter; chiefly of a trifling kind, trespass, insolence, absence, &c.; the nine-hour system generally adopted; a schoolmaster coming out.	- - As usual; the cane pieces clean, and promise well. Negro grounds cultivated as well as ever; comfort of their houses and gardens particularly attended to.	- - Generally expected to exceed last year's; getting off well.	- - Good feeling between them and the apprentices, but they exact labour in return for the usual indulgences of cooks, salt, &c. without any written agreement; the apprentices retaliate by not working in the estate's time "with a will," and by turning out late.
Walsh, p. 19.	Continues good; very obedient to the laws; sensitive, but capable of appreciating kindness; loyal to England, and sensible of the boon they have received; never saw any peasantry work more cheerfully, and the masters get more work from the apprentices "than they are entitled to" (meaning, probably, than they could reasonably insist upon;) treat them with common civility, and they will do anything in the way of manual labour; this Mr. Walsh asserts from experience. The system admitted by the most prejudiced of the planters to be working well.	Not mentioned - - - - - - -	Not mentioned - - - - - - -	- - Not complained of as wanting in kindness towards the apprentices, but charged with setting them a bad example in point of morality; with not forgetting the prejudices of colour; with showing no anxiety to promote the Gospel; with wishing to get back the lash into their own hands, and with want of public spirit "to support any measure likely to benefit the colony hereafter."
ST. ANDREW'S. *Bourne*, p. 247.	District peaceful; complaints of insubordination and neglect of duty much diminished; whipping seldom necessary, and hopes soon to dispense with it altogether; about 40 children (nearly all free) attend the day-school lately established; if they could be lodged and boarded a large proportion of the free children from all the estates would probably attend; the parents would find food, and be very glad to have them trained to habits of industry; schools of industry would be generally encouraged both by masters and apprentices; about 60 persons (mostly adults) attend the school on Sundays, and prove apter scholars than the English peasants in adult schools used to do. On many of the estates complaints are very rare, and a good feeling prevails on both sides. There have been, however, some crimes of an aggravated kind; more persons committed for stealing produce than before.	- - Prospect of next year's coffee crop excellent, and where the overseer is kind, active and attentive, the fields are generally clean and forward.	- - Not so large as was expected, indeed not so good as last year's, but not owing to any misconduct in the apprentices.	- - As good as could be expected; inclined to support schools. Some of them are bad characters, and there have been several offences recently committed of a serious kind.
Lloyd, p. 101. March 31.	- - On all properties where there are more than 40 apprentices they work well and are well disposed; on the small settlements there is a good deal of indolence and insolence; most of them work extremely hard in their own grounds; if they would work as hard for their masters, four days' labour in the week would keep up the full extent of cultivation; complaints diminished since last quarterly report; those preferred since have been chiefly against incorrigible idlers and runaways; district contains 45 large properties, and 7,371 apprentices; there have been during the quarter eight corporal punishments, averaging 14 lashes each, inflicted by Mr. Lloyd, and 12 at the public Court-house, averaging 18 lashes; and 31 females sentenced to the penal gang, average six days' each.	- - Coffee and pimento properties in as good order as for the last two years; sugar estates in good order; the proprietors endeavouring on all the estates to keep up the full extent of cultivation.	- - Four expect an increase, two an average crop, five a decrease of nearly one-half; this owing to weather, not want of work.	Not mentioned.

KINGSTON. *Moresby*, p. 83. April 1.	Complaints few and trifling, especially when it is known that the city contains 10,000 apprentices, and on Saturday and Sunday becomes the general rendezvous for apprentices from estates within 20 miles round; few towns in England where the Sabbath is more respectfully kept, and with fewer street riots and disturbances. Domestics not working satisfactorily; indolent and insolent to their masters, though not so much so as to be brought before a magistrate.	- - - - - - - - - - -	- - - - - - - - - - -	Not mentioned.
Ewart, p. 175.	Seem to possess an instinct of order and subordination; offences have decreased rapidly; industry continues steady; no want of respect to their masters, that Mr. Ewart has witnessed. Marriage becoming more common, and improving their habits and character.	- - Two estates more forward than they were last year, but does not feel qualified to report on this point. Provision-grounds generally well cultivated.	Not mentioned - - - - - - -	- - Discreet, and free from harshness.
ST. GEORGE'S. *Fishbourne*, p. 165. March 31.	Complaints for insufficient work less frequent during the last six months; neglect of watch and of cattle the common complaints; a few for running away, and for absence on pretence of illness. The good feeling between master and apprentice continues uninterrupted and undiminished. More industrious and obedient to the law than they were 12 months since; masters and managers well satisfied with their general conduct. Central schools wanted; free children growing up in idleness.	- - On some few estates as forward as usual, on most more forward than last year, on others less forward; nearly all declare that it is not an average of former years. Some managers have contracted their cane fields to ensure a good cultivation; some (by the help of hired labour) have greatly extended their field without falling behind in cultivation; some keep it as it was.	- - Expected to exceed last year's; there has been already made within 40 hhds. of the estimate made by the planters last October, the estimate being upwards of 2,000 hhds.	- - Nothing to complain of, apparently; on good terms with the apprentices.
Hewitt, p. 33. March 31.	Doing their duty cheerfully; few complaints; good feeling between them and their masters; cultivate their grounds with vigour.	- - As forward as last year, on some properties more so; next year's crop expected to be large. Many properties extending their coffee plantations. Provisions so abundant that there is scarcely any sale for them, but at very reduced prices.	- - Coffee nearly all picked, but the crop is a failure, not for want of work on the part of the apprentices, however.	- - Nothing to complain of, apparently; on friendly terms with the apprentices.
R. St. John, p. 131. March 26.	Everything going on satisfactorily; complaints very rare, and of a trifling kind; they work for wages at reasonable rates; on some estates they have refused to do field-work on the Saturday, but never object to cutting canes and keeping the mill about on that day; work much better than when slaves.	- - Good, generally; preparations for next year's crop very fair.	- - Thinks the crop will fall off by a sixth or seventh, owing to the reduced hours of labour; the apprentices cannot make up the difference by their better working.	- - Not mentioned; every one satisfied with things as they are.
PORTLAND. *Fyfe*, p. 161.	Have begun to work for hire, because the rate of wages has risen with the price of jobbing, and the price of provisions has sunk in consequence of a glut; there may be some cases	- - Not mentioned; negro grounds highly cultivated.	- - Much greater than last year's, and will be got off without loss, though not perhaps in the same space of time, owing to the cessation of night-work.	- - Improving; will soon learn the policy of endeavouring to lead, where it is no longer possible to drive. (*continued*)

—	INDUSTRY AND CONDUCT.	STATE OF CULTIVATION.	EXPECTED CROP.	CONDUCT OF MASTERS.
PORTLAND—*cont^d.*	cases in which a fair rate of hire has been offered and refused; but such cases proceed from some quarrel with the overseer. It is their way of retaliating for grievances which the law cannot take hold of.			
Fyfe, p. 161.	The apprentices once thought that they would perpetuate their servitude by working for hire; this impression is removed. Complain that they are not always well instructed as to their temporal duties by their religious teachers. The chief complaints are of petty thefts and insufficient work: task-work answers best. There are few complaints where it is adopted; more satisfaction; and the apprentice is at liberty by one or two o'clock.			
Waddington, p. 23.	Every appearance of content and satisfaction on both sides. Work for money on some estates after finishing their task-work; earn sometimes 2 *s.* 6 *d.* a day; others sell their Saturdays for 1 *s.* 8 *d.* Very few punishments.	- - Sugar mills everywhere at work. The weather fine for the last eight days, and the wind favourable for the windmills.	- - Only mentions generally that the prospects of the district are good, without reference to the crop.	- - Kind and humane; no complaint made against them either on the estates or in the courts.
ST. THOMAS, EAST.				
T. Baines, p. 237. March 29.	District tranquil; apprentices contented and working cheerfully. Complaints fewer and punishments less frequent; flogging seldom necessary. Laws better understood, and trifling complaints arranged between the parties. Provision-grounds too abundant; no inducement to work generally for hire. Free children not trained to industrious habits, but taken care of by the estates as usual. Churches well attended, and decently; marriage more general. Apprentices ought to be contented and happy. Police do their duty well.	- - Cane pieces much more forward than last year; owing to the light crop, the better working of the apprentices, and the overseers seeing the necessity of attending to them in time. Hopes they will not be tempted by the high price of produce to put in more plants than they have strength to cultivate, or the canes will get worse every year.	- - Considerable falling off; owing to the backwardness of cultivation last year, when all the strength was employed in taking off the crop. Sugar good in quality, and rum promises well: prices high. Crop will be taken off without difficulty and in good time. On one estate improved machinery has been introduced, by which they can make 1,000 gallons of liquor in the hour with very little labour.	- - Kind and considerate; give all the old allowances cheerfully, and never withhold them except on good grounds. Hospitals good; medical attendance efficient and well supplied with medicines.
Dawson, p. 195.	District quiet; complaints fewer on both sides, and confined almost entirely to late turning out and insufficient work. (This the fault of the constables, who do not perform their duty impartially.) The apprentices continue to work for hire in Manchioneal, and will do so till the termination of the apprenticeship; because, though they have abundance of provisions, they have no sale for them. But they are not working so well or cheerfully as before Christmas; they do not appreciate the boon they have received; they will not avail themselves of the means of education, unless the time be returned them by the masters; they let their free children grow up in filth and idleness, and indignantly refuse the offers of clothing and medical attendance for them which have been made by nearly all the proprietors on the most liberal terms, and by some gratuitously.	- - Not mentioned - - - - - -	- - Not mentioned - - - - - -	- - Invariably kind; strenuous in their efforts for the education of the apprentices and free children; and most liberal in their offers of clothing and medical attendance for the latter, though the apprentices have not chosen to avail themselves of the advantage.
Lyon, p. 97. April 6.	Working well and cheerfully; doing as much work in the reduced hours as they used to do during slavery; sometimes more. Dig cane-holes in their own time (where the land has been only turned up by the plough) at the rate of 144 for 3 *s.* 4 *d.* Provision-grounds abundant. Petty thefts almost disappeared; complaints confined to slight mat-	- - The plough coming into general use, managed by negro ploughmen, with the most extraordinary success; it enables the negroes to get through double the number of cane-holes. Negro grounds cultivated to a much greater extent than formerly, and extremely luxuriant.	- - Promises to be equal in quantity to last year's, though it will not be got off so early, owing to the weather. The last coffee crop below the average; the next promises to be a full one.	- - Not complained of; they show no disposition to limit the extent of the negro grounds.

	ters; occasional neglect, individual indolence, and sometimes, but rarely, disobedience. There is a general improvement in their manners and appearance, though there is great want of schools and churches. They have to send their free children for instruction as far as to Merant-bay (11 miles), and Kingston (30 miles). The proprietors and attorneys are apt to attribute their sending them so far away to "suspicion that they may be again reduced to a state of bondage." There is one estate on which the proprietor (Mr. R. Paterson) has a resident schoolmaster for the sole purpose of educating his apprentices (adults and children.)			
Willis, p. 9. March 29.	Appear to be industrious; but more work ought to be done during the legal hours. Offences fewer and not serious; complaints chiefly of late turning out and insufficient work. Feeling towards their masters good. They have more provisions than they can consume; most of them are sending them to market.	- - About the same as last year's. Negro grounds in good order.	- - Will fall off on account of the limited extent of land planted, and the cane fields not having been cleaned in proper time.	- - Kind. Assist the apprentices in sending their provisions to market, lending them wains, &c.
ST. DAVID'S. *Dunne*, p. 181. March 30.	In general attentive and industrious. Offences decreasing; consisting chiefly in the stealing of produce (which the negroes do not consider as a great crime), and late turning out. Satisfied or dissatisfied according to the disposition of the manager; they are peculiarly sensitive to reproach. Comfortable and contented when they get their half Friday; the eight-hour system makes the four and a-half hours of no use. They conduct themselves well in their own time; and their dress, appearance and demeanour on the Sabbath is very pleasing.	- - As forward as last year. Negro grounds good, well attended to, and abundantly stocked with provisions.	- - Albion estate will realise the expected increase of 50 hhds. of sugar this year, and the overseer calculates on a further increase of 30 hhds. next year. Nornis's will have an increase this year of 30 hhds.	- - Not particularly mentioned. It would appear that there is not in general much to complain of.
PORT ROYAL. *Humilton*, p. 148. March 29.	District tranquil and orderly; apprentices cheerful, industrious and obedient, wherever a proper system of management is observed. Complaints much fewer, offences of a less serious kind; late turning out (women particularly), insolence to constables, a few cases of deficient labour and neglect of watch. Good feeling between master and apprentice. In the upper part of the district they readily work for wages at 1 *s.* 8 *d.* a day. On some properties in the lower part they spend their whole time in working their grounds; not, however, pressed to work for wages; many properties getting off their crop without extra labour.	- - On most properties in the lower district they are preparing their fields for next year's crop. Negro grounds in a high state of cultivation, and abundance of provisions.	- - As forward as last year's, or more so; though not so forward as on an average of former years. Cannot tell what sort of crop it will be, the managers are uncertain; better in the upper district than in the lower, chiefly owing to the climate.	- - Complaints against them rare; good feeling between them and the apprentices.
Kent, p. 117. March 29.	Good. Complaints much fewer within the last 12 months, and promise to continue on the decrease; both parties see the advantage of a better understanding. Pilfering the most prominent vice; drunkenness rare.	- - Fields in good order, owing to the backwardness of crop.	- - Coffee crop throughout the district will fall very far short of the last; altogether a backward season.	- - Better understanding between them and the apprentices.
H. St. John, p. 35. April 6. (On a trip to the east end of the island.)	Great improvement in behaviour and appearance. Marriages more frequent.	- - - - - - - - - -	- - Crops in St. Thomas-in-the-East will fall off considerably; not entirely to be ascribed to the effects of the Abolition Act, but partly because the canes have not yielded that liquor which their appearance promised.	

— Appendix, No. 12. —

A RETURN of the Number and Nature of the PUNISHMENTS inflicted on the APPRENTICED LABOURERS in the Colony of *Jamaica* by the Special or Stipendiary Magistrates, specifying the Offences for which they were inflicted, separating Males from Females, between the 1st day of August 1834 and the 1st day of August 1835.

NAMES of SPECIAL MAGISTRATES.	PERIOD.		Number of Days.	Males.	Females.	OFFENCES.						PUNISHMENTS.						
	From.	To.				Theft.	Run-away.	Neglect of Duty.	Disobedience.	Cutting and Maiming Cattle.	Insolence.	Flogging.	Imprisonment.	Treadmill.	Penal Gang.	Re-pay Time.	Solitary Confinement.	Switching.
Alley, William H.	18 April 1835	21 July 1835	94	240	44	14	5	229	13	1	22	30	6	3	6	222	17	— 4
Bell, William A.	18 Nov. 1834	13 July —	237	449	185	78	14	385	116	4	37	133	18	39	23	388	29	10 —
Blake, Henry	6 Jan. 1835	28 July —	203	180	85	17	17	163	33	3	32	70	22	- -	7	120	36	— —
Baines, Thomas J.	14 April —	25 July —	105	106	95	3	7	167	16	- -	8	35	2	- -	7	156	1	— —
Baynes, Edward D.	1 Aug. 1834	31 July —	365	649	407	90	31	674	215	4	42	221	106	11	53	511	92	62 —
Baynes, Thomas	11 Mar. 1835	30 June —	111	487	237	44	22	595	37	3	23	74	36	14	14	551	26	9 —
Brown, Charles	1 Aug. 1834	31 Dec. 1834	153	74	32	24	2	45	22	- -	13	19	3	36	21	20	7	— —
Bourne, Stephen	4 Jan. 1835	30 Jan. 1835	177	92	61	21	1	88	27	2	14	11	4	- -	12	105	15	6 —
Connor & Chamberlaine	1 Aug. 1834	31 July —	365	701	424	128	172	407	308	- -	110	120	37	424	252	105	177	10 —
Cocking, Ralph	1 Aug. —	31 July —	365	379	262	51	32	242	233	13	70	270	4	12	97	168	87	— —
Cooper, Richard S.	25 Nov. —	31 July —	249	157	159	20	37	83	111	1	64	56	13	14	73	95	57	38 1
Clinch, James	1 Aug. —	19 May —	292	238	170	41	96	133	106	3	29	120	6	5	125	123	28	— —
Colebrook, Thomas	1 Aug. —	16 June —	320	238	147	79	19	144	66	10	67	134	33	2	91	80	44	1 4
Clarke, H. B.	19 Sept. —	2 Jan. —	106	79	49	22	11	33	30	2	30	53	- -	- -	21	28	22	— —
Davies, Thomas	1 Aug. —	31 July —	365	304	192	69	78	143	133	4	69	197	3	5	151	20	109	11 —
Daly, Richard, Inspr	17 Nov. —	18 April —	153	38	9	7	2	20	11	1	6	12	4	8	9	13	1	— —
Dillon, Andrew	25 Oct. —	26 May —	244	186	111	63	63	54	60	1	56	81	10	35	77	18	68	18 —
Dawson, James K.	1 Jan. 1835	31 July —	212	238	105	33	15	152	115	6	22	78	5	- -	50	125	64	21 —
Dunne, Patrick	1 Aug. 1834	31 July —	365	357	205	60	21	279	144	6	52	83	6	1	1	360	90	21 —
Daughtrey, John	1 Aug. —	31 July —	365	146	78	40	12	71	52	20	29	67	3	25	10	82	33	4 —
Dillon, Theobald A.	13 April 1835	7 July —	79	76	25	19	7	34	33	- -	8	43	2	- -	16	31	8	1 —
Everard, William	6 Aug. 1834	18 Aug. 1834	13	9	7	2	- -	- -	7	- -	7	9	- -	- -	5	- -	2	— —
Eveleigh, John	9 Feb. 1835	30 June 1835	141	129	77	22	23	82	25	5	49	58	2	- -	2	109	26	9 —
Elliott, William	13 April —	20 July —	98	13	4	4	2	6	2	1	2	10	2	- -	- -	2	3	— —
Edwards, Bryan	15 Feb. —	27 July —	162	97	60	11	6	108	22	- -	10	13	24	3	- -	106	8	3 —
Fitzgerald, Robert	18 May —	21 July —	65	69	38	1	11	47	41	2	5	13	1	- -	8	78	4	3 —

Fishbourne, Edward E.	23 Jan. 1835	28 July 1835	187	295	134	60	25	181	122	1	40	193	5	- -	39	132	41	19
Finlayson, Walter -	3 Sept. 1834	31 July —	332	779	580	130	76	808	255	14	76	139	42	44	101	970	42	21
Farrar, Simeon - -	15 Sept. —	31 July —	320	430	330	87	78	180	304	7	104	142	3	41	41	328	147	58
Gillam, William -	21 April 1835	15 July —	86	71	45	12	4	68	21	- -	11	61	2	- -	22	24	6	1
Grant, Alexander -	18 Aug. 1834	26 Jan. —	162	270	247	35	27	212	138	5	100	66	6	73	55	232	43	42
Gurley, John - -	7 April 1835	28 July —	82	71	30	16	9	41	28	- -	7	22	- -	27	12	36	4	1
Gregg, G. D. (Co^{y} Insp^{r})	7 Oct. 1834	4 June —	241	21	29	2	5	26	8	- -	9	13	- -	- -	- -	15	18	4
Haly, Richard S. -	1 Aug. —	28 July —	362	295	110	59	30	178	72	3	63	176	5	8	74	124	15	3
Hawkins, Charles -	27 Oct. —	27 July —	265	322	293	66	15	265	229	15	25	246	30	6	56	213	64	1
Hewitt, William -	24 Feb. 1835	28 July —	154	268	194	71	58	191	103	7	32	190	16	- -	82	118	54	2
Hulme, John R. - -	2 Oct. 1834	27 July —	298	293	186	42	22	192	163	7	53	164	6	- -	107	158	36	8
Jones, Thomas W. -	24 Mar. 1835	28 July —	126	171	57	43	3	115	49	1	17	75	26	- -	7	78	25	17
Jordan, John S. - -	11 Aug. 1834	13 Dec. 1834	124	264	140	28	35	185	1	104	51	188	66	3	19	119	8	1
Jackson, James - -	4 Mar. 1835	2 June 1835	90	191	87	16	16	114	107	1	24	140	4	7	14	87	26	-
Kent, Henry - -	3 May —	28 July —	85	63	32	20	3	39	27	- -	6	28	3	1	- -	40	12	11
Lyon, Edmund B. -	10 Sept. 1834	28 July —	321	631	395	87	56	545	229	7	102	281	39	- -	42	498	132	34
Ludlaw, Henry - -	12 Aug. —	14 July —	336	348	163	68	27	219	147	- -	50	103	52	2	18	202	131	3
Lloyd, Samuel - -	10 Aug. —	28 July —	352	622	285	131	65	328	292	- -	91	425	17	- -	108	186	128	43
Langrishe, R. J. -	27 Aug. —	28 July —	335	239	125	63	13	104	102	7	75	151	2	3	92	65	48	3
Lambert, R. S. - -	16 June 1835	28 July —	32	57	33	5	- -	59	21	- -	5	15	5	3	4	53	7	3
Marlton, Wm. F. -	10 Feb. —	28 July —	168	172	120	43	42	112	75	1	19	108	10	1	54	49	69	1
M^{c}Gregor, Donald -	9 Aug. 1834	26 July —	351	355	171	31	43	197	151	4	100	231	10	1	94	129	60	1
M^{c}Leod, Alexander N.	12 Aug. —	29 July —	350	379	133	86	41	167	146	3	69	72	101	20	52	161	87	19
Madden, R. R. - -	8 Aug. —	18 Oct. 1834	71	157	61	33	68	46	44	2	25	44	23	59	50	6	19	17
Norcott and Hill -	12 Aug. —	13 Sept. —	32	41	24	2	- -	55	4	- -	4	- -	2	- -	2	60	1	-
Norcott, William -	14 Oct. —	26 Dec. —	73	51	53	4	- -	83	16	- -	1	- -	2	- -	19	81	2	-
Nolan, James - -	6 Jan. 1835	24 July 1835	199	195	84	36	9	150	61	1	22	89	8	65	6	55	56	-
Oliver, Thomas M. -	13 Aug. 1834	24 July —	345	496	229	56	58	463	97	2	49	232	129	27	2	297	34	4
Oldrey, William -	12 Aug. —	11 Feb. —	183	101	41	40	5	56	29	- -	12	46	14	22	9	42	8	1
Odell, John - -	12 Jan. 1835	27 July —	196	200	111	24	10	143	121	4	9	84	17	31	4	159	8	8
Palmer, Archibald L. -	19 Aug. 1834	19 May —	273	310	196	40	14	344	77	1	30	69	5	10	329	84	9	1
Philp, Edward D. -	7 Nov. —	27 July —	263	340	139	41	47	243	88	5	55	219	90	- -	4	105	61	-
Pack, Anthony - -	30 Sept. —	30 Dec. 1834	91	23	32	4	- -	18	21	- -	12	13	- -	- -	9	13	18	2
Pryce, Samuel - -	14 Dec. —	26 July 1835	234	247	248	66	1	189	177	7	55	141	13	22	56	153	90	20
Pennell, R. C. - -	19 April 1835	27 July —	100	85	54	9	4	75	39	6	6	42	- -	11	2	60	24	1
Reynolds, John - -	31 Mar. —	26 July —	117	19	- -	11	- -	2	6	- -	- -	15	2	- -	- -	- -	2	-
Ramsay, W. (Insp^{r}Gen^{l})	10 Aug. 1834	2 July —	326	25	19	3	8	4	25	- -	4	16	13	- -	3	12	-	-
Rawlinson, Stanley -	17 Feb. 1835	27 July —	129	209	83	43	10	154	44	1	40	161	20	1	- -	58	50	2
Sowley, William H. -	23 Dec. 1834	28 July —	217	359	142	59	36	256	113	1	36	200	7	49	19	184	40	2
Stewart, J. H. - -	14 Oct. —	23 Mar. —	160	266	77	62	20	216	19	1	25	59	11	- -	21	217	26	9

(*continued*)

No. 12.
Return of Punishments, 1 Aug. 1834, to 1 Aug. 1835.

JAMAICA.

NAMES of SPECIAL MAGISTRATES.	PERIOD. From.	PERIOD. To.	Number of Days.	Males.	Females.	OFFENCES. Theft.	Run-away.	Neglect of Duty.	Disobedience.	Cutting and Maiming Cattle.	Insolence.	PUNISHMENTS. Flogging.	Imprisonment.	Treadmill.	Penal Gang.	Re-pay Time.	Solitary Confinement.	Switching.
St. John, James H. -	23 Aug. 1834	30 July 1835	342	119	55	28	26	42	63	–	15	42	24	1	54	2	45	6
Thomas, J. R. - -	9 Mar. 1835	28 July —	141	210	122	41	35	103	87	6	60	145	40	–	21	59	67	–
Thompson, Robert -	9 Dec. 1834	20 Dec. 1834	11	60	56	2	4	65	35	–	10	34	2	–	14	61	5	–
Ditto - -	6 July 1835	24 July 1835	19	9	11	1	1	14	1	2	1	4	–	–	7	8	–	1
White, Frederick -	12 Aug. 1834	27 Dec. 1834	137	235	89	33	42	140	49	4	56	154	14	–	68	35	33	20
Walters, James - -	1 Nov. —	4 Nov. —	4	7	3	1	–	3	4	–	2	4	–	–	–	2	4	–
Welch, Arthur - -	24 Feb. 1835	28 July 1835	157	38	25	14	3	26	10	–	10	26	5	–	8	13	11	–
Walsh, Henry - -	17 Mar. —	28 July —	133	81	33	20	5	55	26	–	8	47	6	1	10	34	16	–
		TOTALS - -		16,221	9,174	2,837	1,805	11,855	6,024	322	2,552	7,125	1,249	1,176	2,941	9,433	2,886	585
				25,395		25,395						25,395						

ABSTRACT of the MONTHLY RETURNS of PUNISHMENTS received by the Governor of *Jamaica* from the Special Magistrates, from 1st August 1835 to 31st March 1836.

COLONY.	DATE.	Total Number of Apprentices included in the Magistrates' Returns.	Total Number of Punishments inflicted under the Authority of Special Magistrates throughout the same.	Proportion per Cent. of Punishments to Apprentices.	Total Number of Males Punished. By Whipping.	Total Number of Males Punished. Otherwise than by Whipping.	Total Number of Females Punished.	The Average Number of Stripes inflicted in cases of Punishment by Whipping.	The Maximum Number of Stripes inflicted in any one case of Punishment by Whipping.	The Maximum of Severity in any one case of Punishment by Confinement.	The Maximum of Severity in any other mode of Punishment.
JAMAICA -	August, 1835	249,825	4,293	1 ½	712	2,646	935	24	50	84 days	It is difficult to decide which may be considered the severest, varying as are the different modes of punishment from each other.
	Sept. —	247,959	5,531	2 ¼	640	2,367	2,524	22	50	6 weeks	
	October —	258,870	3,073	not quite 1	419	1,344	1,310	24	48	28 days	
	November —	250,237	3,051	1 ⅕	364	1,319	1,368	23	50	5 months	
	December —	261,877	2,568	about 1	305	1,153	1,109	22	50	3 ditto	
	January 1836	255,567	3,122	1 ½	311	1,451	1,360	21	50	112 days	
	February —	258,977	2,324	–⅛	207	1,032	1,085	23	50	56 ditto	
	March —	258,977	3,032	1 ⅛	259	1,466	1,307	21	48	84 ditto	

Appendix, No. 13.

No. 13. Comparative List of Slaves and Apprentices in the Houses of Correction.

JAMAICA.

COMPARATIVE LIST of SLAVES and APPRENTICES in the HOUSES of CORRECTION in *Jamaica.*

COPY of a Despatch from the Marquis of *Sligo* to Lord *Glenelg*, dated

The King's House, St. Jago de la Vegua,
18 April 1836.

My Lord,

THINKING that it might throw some light on the manner in which the new system is working, I have the honour to send you a Comparative Return of the number of convicts, or rather prisoners in the workhouses in this island in the month of July 1834, soon after my arrival, and on the 1st April 1836. I fear that a perfect list of those of 1834 can hardly be made out, as some of the returns may not be found, and some of those called for this year have not been sent in. It is to be remembered that many of those now in those places of confinement are under sentences of special justices, for offences which probably were formerly punished by floggings on estates.

I have, &c.

(signed) *Sligo.*

COMPARATIVE LIST of SLAVES and APPRENTICES in the Houses of Correction in the Island of *Jamaica*, antecedent and subsequent to the 1st August 1834.

COUNTY.	PARISH.	Under Sentence July 1834.	Under Sentence April 1836.
Middlesex	St. Catherine's	78	11
	St. Dorothy's	no house of correction.	3
	St. Thomas-in-the-Vale	54	24
	Vere	none	3
	Clarendon	28	23
	Manchester	24	9
	St. Mary's	41	26
	St. Ann's	77	5
	St. John's	no house of correction.	
Surrey	Kingston	103	12
	Port Royal	11	3
	St. George's	19	7
	St. Thomas-in-the-East	82	14
	St. David's	no house of correction.	
	Portland	10	15
	St. Andrew's	11	no return received.
Cornwall	St. James's	8	21
	Trelawny	13	22
	Hanover	11	15
	St. Elizabeth's	25	17
	Westmoreland	49	no return received.
	TOTAL	644	230

Appendix, No. 14.

No. 14. Rate of Wages paid to Apprentices.

RATE of WAGES Paid and Accepted by the APPRENTICES in *Jamaica.*

MAGISTRATE.	DATE.		
R. S. Haley - - Clarendon.	6 July 1835	Ashley, /10 for each six hours. Mullet Hall, /2 per hour. Retreat, 2/1 for 12 hours, and 1/8 for Saturday of nine hours. Rose Hill, 4/2 for five days of six hours each.	Dawkes, 2/1 for 12 hours; 1/8 for Saturday of nine hours. New Ground, /10 for five hours, and 1/8 for Saturday of nine hours. Beckford's Rock River, 2/1 for 12 hours, and 1/8 for Saturday of nine hours.

(*continued*)

No. 14. Rate of Wages paid to Apprentices.

JAMAICA.

MAGISTRATE.	DATE.		
Henry Blake - - St. Thos.-in-the-East.	July 1835	Wheelersfield, /2 per hour. Amity Hall, /2 per hour. Golden Grove, /2 per hour, and sometimes 1/8 per day. Plantain Garden River, /2 per hour. Potosi, /2 per hour to each of the boiler-men.	Hordney, /2 per hour. Holland, /2 per hour, and sometimes 1/8 per day. Winchester, 1/8 per day. Rhine, /2 per hour to each of the boiler-men.
Henry Kent - - Port Royal.	July 1835	- - Clydesdale, picking coffee, at /10 per bushel. Robertsfield, 1/8 per day. Mount Charles, /10 per bushel for picking coffee. Lower Lucky Valley, 1 lb. of fish per hour.	Industry, picking coffee, at /10 per bushel. Berwick, /10 per bushel for picking coffee. Green Valley, 1/7½ per day, and 10 shads per month.
Edmund B. Lyon - St. Thos.-in-the-East.	8 July 1835	- - Buckingham, /2 per hour, and 1/8 for 16 hours during crop. Weeded and turned trash on eight acres of cane, at 25/ per acre. Serge Island, 1/8 for 16 hours during crop. Creighton Hall, 2/6 per week for night-work to able people; 2d class, 1/3; children, /10. Lloyd's - ditto - ditto. Mont Pelier, 1/8 per night for single spell. Old Monckland, 1/8 per day.	Garland Hall, 1/8 for 16 hours during crop. Green Wall, 2/6 each per week for night-work to able people; second class, 1/3; children, /10. John's Valley - ditto - ditto. Belvidere, /2½ per hour. Newfield, 3/4 per month for half Fridays. New Monckland, 1/8 per day.
William F. Marlton - St. Mary's.	30 June 1835	Union, 1/8 per day. Albion, 3/4 for 90 cane-holes. Ramble, 1/8 per day of 10 hours for six months.	Eden, salt provisions for four and a half hours. Crescent, 1/8, 2/1 to 2/6 per day.
Donald Mac Gregor	July 1835	- - Seaman's Valley, 6/3 for every five days in crop. Williamsfield, 5/ for ditto. Shotover, 6/3 for ditto.	Golden Vale, 5/ for every five days in crop. Bogg, 6/3 for ditto. Anchovy Valley, a few work at /2 per hour.
Ralph Cocking - St. James's.	23 July 1835	- - Content, 4/2 per 100 for digging cane holes.	Hampden, 3/4 per 100 for digging cane holes.
Robert Thompson - St. James's.	17 Aug. 1835	- - Rochampton, 7*l.* 10*s.* per acre for digging cane holes.	
Richard Daly - - St. James's.	28 Oct. 1835	- - The apprentices have undertaken large jobs, and although they have made good hire, the proprietors have saved at the rate of nearly 3 *l.* per acre.	
Arthur Welch - - Manchester.	30 June 1835	Kensworth, 2/6 per day. Hermitage, 2/6 per day. Warwick, 2/6 per day. Great Valley, 2/6 per day. Woodlands 2/6 per day. Far Enough, 2/6 per day.	Lava, 2/6 per day. Lancaster, 2/6 per day. Coco Walk, 2/6 per day. Smithfield, 2/6 per day. Stone's Hope, 2/6 per day. New Forest, 2/6 per day.
	31 Oct. 1835	——— 3/6 per barrel for picking coffee.	
David Finlayson - St. James's.	28 July 1835	Blue Hole, /1½ per hour. Cornwall, 2/1 per day. East Hams, /2 per hour. Hartfield, /1½ per hour. Kirkpatrick Hall, /1½ per hour. Leogan, /1½ per hour. Moor Park, /1½ per hour. Providence, /2 per hour. Rose Hall, 5/ per week if they make 10 hogsheads of sugar. Spring, /1½ per hour. Success, /2 per hour. Windsor Lodge, /1½ per hour.	Cinnamon Hill, 2/1 per day. Crawle, /2 per hour. Glasgow, /1½ per hour. Iron Shore, 1½ per hour. Lilliput, /2 per hour. Millennium Hall, /2 and /1½ per hour. Paisley, /1½ per hour. Palmyra, /2 per hour. Running Gut, 5/ per week. Spot Valley, /1½ per hour. Tryall, /1½ per hour.
Patrick Dunne - St. David's.	1 Sept. 1835	Richmond Vale, 2/6 per day. Manheim, 2/1 per day. Moy Hall, 2/1 per day.	Minto, 2/6 per day. Clifton, 1/8 per day.
William A. Bell - St. Elizabeth's.	July 1835	Barton, 1/8 per day. Mexico, 1/8 per day. Union, 1/8 per day.	Lancaster, six or seven herrings. Oxford, 1/3 per day. White Hall, 1/8 per day.
Bryan Edwards - Westmorland.	28 July 1835	Bog, 21/ per hogshead of sugar. Darliston, scraping ginger at 2/1 per 30 lbs. Glenhanna, 1/8 per day. Lennox, 1/8 per day. Orange Grove, 2/1 for scraping 30 lbs. ginger.	Bushy Park, 1/8 per diem. Grandale, /1 per hour during crop. Hopeton, 1/8 per day. Old Shafston, 2/1 for scraping 30 lbs. ginger. Richmond Lodge, 1/8 per diem.

No. 14.
Rate of Wages paid to Apprentices.

JAMAICA.

MAGISTRATE.	DATE.		
James Harris - - St. Thos.-in-the-Vale.	22 Oct. 1835	--Byndloss, 2/1 for able hands; 1/0½ for others. Tulloch: usual allowance of salt provisions.	Knollis: usual allowances of salt provisions.
William Hewitt - St. George.	27 Oct. 1835	- - The apprentices in this parish keep the mill about daily for four hours at /10; the expense of this is from 6/8 to 13/4 per hogshead, according to the quantity made per hour.	
Charles Hawkins, R. C. Pennell, and Samuel Pryce. (Trelawny.)	1 Nov. 1835	- - 4/2 per 100 cane holes; 300 to 400 dug over and above their task in a week; 634 cane holes dug for 32/11. The charge of jobbing is 8 *l.* per acre, and the apprentices dig for 5 *l.*; viz. 2,722, at 1/2, 5 *l.* 13 *s.* 5 *d.*	1/2 for each cane hole.
W. J. Alley - - Manchester.	28 Oct. 1835	- - After finishing task-work, the apprentices earn from 3/6 to 4/ in working the remainder of the day.	
The Hon. A. Bravo - Custos of Clarendon.	6 Aug. 1834	Knight's, 4/2 per 100 cane holes, of four feet square each.	

APPRENTICES employed by Mr. *Scott* for WAGES, on Saturday.

1834–5.	WHENCE.	Number of Hands.	At 1 *s.* 8 *d.*, 1 *s.* 3 *d.*, 10 *d.* to Labourers, 2 *s.* 1 *d.*, and 2 *s.* 6 *d.* to Tradesmen, Per diem of Nine hours; paid in Cash.	
			£. *s.* *d.*	*Remarks.*
Sept. 6	Bog estate - -	58	4 16 8	Strangers are supplied with tools when they come at or after sunrise; and on delivery in of their tools at the end of the day's work, they receive each his money, without failure; it is the only practicable way to secure confidence, and by perseverance it will effect the object. Scrupulous integrity and punctuality are needed to remove distrust, and jealousy, and suspicion of long standing.
— 20	Ditto - -	68	5 13 4	
Oct. 4	Ditto - -	82	6 16 8	
Sept. 13	Lenox and Hopeton	44	3 15 10	
— 27	Ditto - -	42	3 19 –	
Oct. 18	Bog estate - -	58	4 13 4	
— 11	Lenox and Hopeton	41	3 19 –	
— 25	Ditto - -	60	4 9 4	
Nov. 1	Bog estate - -	74	5 14 7	
— 8	Lenox and Hopeton	52	3 12 7½	
— 15	Bog estate - -	46	3 7 11	
— 22	Bog & Lenox estates	95	6 12 1	
— 29	Ditto - -	135	11 7 11	
Dec. 6	Ditto - -	136	11 7 11	
— 13	Ditto - -	164	13 5 9	
Jan. 3	Ditto - -	67	5 1 3	
— 10	Bog estate - -	26	2 – 10	
— 17	Lenox estate -	64	4 14 2	
— 24	Bog & Lenox estates	66	5 4 7	
Feb. 7	Ditto - -	85	6 5 10	
— 14	Lenox - - -	19	– 11 8	
— 21	Bog estate - -	74	5 16 3	
March 7	Ditto - -	61	4 10 –	
— 14	Lenox estate -	42	2 14 2	
— 21	Bog estate - -	55	4 10 –	
— 28	Lenox estate -	55	3 15 –	
April 4	Bog & Lenox estates	60	4 9 7	
— 18	Ditto - -	27	2 17 6	
May 2	Bog estate - -	38	3 5 5	
— 9	Lenox estate -	18	1 – –	
— 16	Bog estate - -	41	3 11 3	
— 30	Lenox estate -	30	2 8 4	
June 6	Ditto - -	43	3 4 2	
— 13	Bog & Lenox estates	62	5 – –	
— 20	Lenox - - -	41	3 2 11	
— 27	Ditto - - -	60	3 13 4	
July 4	Bog & Lenox estates	Nil.	5 17 11	Numbers mislaid.
— 11	Ditto - -	—	3 15 3	- - Ditto.
— 18	Ditto - -	96	7 16 –	
— 25	Ditto - -	150	11 1 3	
Aug. 1	None - - -	Nil.	—	
— 8	Bog & Lenox estates	53	4 6 3	

Appendix, No. 15.

ABSTRACT of the RETURNS of the VALUATIONS, &c., of APPRENTICES in the Island of *Jamaica*, from 1st August 1834 to 31st March 1836.

No. of Return.	COLONY.	DATE.	Total Valued.	Paid.	Not Paid.
1	Jamaica -	From 1st August 1834 to 1st June 1835 -	522	*343	*166
2	Ditto -	— 1st June 1835 to 31st August 1835 -	162	96	66
3	Ditto -	— 1st Sept. 1835 to 31st December 1835 -	316	193	123
4	Ditto -	— 1st January 1836 to 31st March 1836 -	385	261	124
		Total Number of Apprentices Valued - -	1,385	893	479

* In the Return No. 1, the valuations of 13 Apprentices do not specify whether paid or not paid.

ABSTRACT of VALUATIONS of APPRENTICESHIPS in *Jamaica*, from 1st August 1834 to 1st June 1835.

SPECIAL JUSTICE'S NAME.	Total Valued.	Paid.	Not Paid.	SPECIAL JUSTICE'S NAME.	Total Valued.	Paid.	Not Paid.
S. Lloyd - - -	34	29	5	E. E. Fishbourne - -	7	4	3
D. M'Gregor - - -	6	5	1	W. Finlayson - - -	12	4	8
J. Nolan - - -	4	3	1	J. Gurley - - -	5	5	-
J. Odell - - - -	5	4	1	N. A. Connor - - -	13	8	5
A. L. Palmer - - -	4	3	1	Connor and Chamberlaine	31	25	6
E. D. Philp - - -	3	2	1	P. Dunne - - -	4	2	2
S. Reynolds - - -	3	3	-	R. Daly - - - -	3	-	3
J. R. Thomas - -	3	3	-	Hill & Norcott (8 not noted)	14	6	-
A. Welch - - -	1	1	-	A. Dillon - - -	5	3	2
Henry Walsh - - -	2	2	-	J. R. Hulme - - -	9	1	8
R. Cocking - - -	17	16	1	R. S. Haly - - -	10	6	4
Henry Laidlaw - -	14	9	5	W. Hewitt - - -	3	1	2
R. J. Langrishe - -	8	5	3	C. Hawkins - - -	5	5	-
E. B. Lyon - - -	38	25	13	T. W. Jones - - -	3	1	2
Thomas Davis - -	87	68	19	T. Baynes - - -	6	-	6
S. Pryce - - -	8	6	2	W. A. Bell - - -	10	8	2
J. Daughtrey - - -	10	6	4	H. Blake - - -	8	5	3
S. Rawlinson - - -	14	3	11	T. Colebrooke - - -	9	9	-
T. M. Oliver - - -	12	5	7	A. N. M'Leod - -	4	-	4
W. Marlton - - -	21	11	10	J. H. St. John - -	2	-	2
E. D. Baynes - - -	13	12	1	Dr. Thompson - -	1	1	-
H. B. Clarke - - -	2	2	-	H. Kent - - -	2	2	-
Wm. Oldrey - - -	3	not noted					
J. Clinch - - -	5	3	2		522	343	166
J. S. Jerdan - - -	2	not noted					
W. H. Sowley - -	22	9	13	Not noted:			
A. T. Dillon - - -	4	3	1	Oldrey - - 3			
J. K. Dawson - - -	6	5	1	Jerdan - - 2	- -	- -	13
B. Edwards - - -	5	4	1	Hill & Norcott - 8			

Mr. Bourne has sent in no Return; Mr. Cooper ill.

No valuations made by Messrs. Ramsay, Gillam, Jackson, C. Brown, Eveleigh, Baines, Gregg, Pennell, Lambert, Moresby, Alley, Fitzgerald and Woodin.

RETURN of VALUATION of APPRENTICESHIP made by the Special Magistrates, from 1st August 1834 to 1st June 1835.

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE.	REMARKS.
S. LLOYD:					£. s. d.	
	George Young -	Papine - - -	St. Andrew's	Non-prædial	60 - -	Paid.
	Hannah Lindsay -	Airey-castle - -	—	Prædial -	35 - -	—
	Fanny Sims - -	Waterhouse - -	—	Non-prædial	45 - -	—
	Richard - - -	Cherry-garden - -	—	Prædial -	26 13 4	—

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
S. Lloyd—*continued:*						
	Mary Ann Short	Miss Campbell	St. Andrew's	prædial	62 – –	not paid.
	Lucy Gordon	John Mais	—	non-prædial	54 15 –	paid.
	Maria Warren	Mrs. Cardoza	—	—	38 – –	—
	Thomas	Cherry-garden	—	—	50 – –	—
	Sarah A. Keen	C. M. Jopp	—	—	27 – –	—
	Eleanor	John Mais	—	—	39 – –	—
	Letitia Park	Wm. Park	—	—	54 – –	—
	Robert Patience	John Pine	—	prædial	53 – –	not paid.
	Christie M'Crea	Airey-castle	—	non-prædial	25 – –	paid.
	John Strange (boy)	Cherry-garden	—	—	18 – –	—
	Dorothy Dawson	C. M. Jopp	—	prædial	56 – –	—
	Richard Marshall	Mr. Marshall	—	—	63 – –	—
	Charles Lindsay	Mr. E. Hall	—	—	56 – –	not paid.
	Richard Nicolls	David Ford	—	—	70 – –	—
	Eleanor Thomas	Dr. Spalding	—	—	42 – –	—
	Charlotte M'Kenzie	Francis Asker	—	non-prædial	67 17 10	paid.
	Bessy	Clifton-mount	—	—	45 – –	—
	Rosina Rockwood	Content	—	—	45 – –	—
	Richard James	James Clark	—	—	66 – –	—
	Joanna Campbell	C. M. Jopp	—	—	26 – –	—
	Mary Campbell	—	—	—	36 – –	—
	Edward Dawkins	—	—	prædial	38 – –	—
	Amelia Moody	—	—	—	26 – –	—
	Cecilia Moody	—	—	—	18 – –	—
	Richard Moody	—	—	—	13 – –	—
	Robert Williams	—	—	—	66 – –	—
	Ann Robinson	Miss Garrow	—	—	26 13 4	—
	Matilda Campbell	Miss Campbell	—	non-prædial	47 – –	—
	Robert Bonner	Hope	—	—	45 – –	—
	Nanny Santon	Mr. Marshall	—	—	40 – –	—
D. M'Gregor:						
	Jane O. Wilson	Boston	Portland	non-prædial	47 10 –	paid.
	Helen Kinlock and two children	Stony-hill estate	—	—	60 – –	—
	Elizabeth Bailey	Mrs. Hodgson	—	—	30 – –	not paid.
	Kitty Shirley	Cambridge	—	prædial	44 15 6¾	paid.
James Nolan:						
	George Robinson	Peter Campbell	Vere	non-prædial	140 – –	paid
	John Ferguson	Bog	—	prædial	100 – –	—
	George Cousins	—	—	non-prædial	75 – –	—
	Susan Richards	—	—	prædial	55 – –	not paid.
J. Odell:						
	Catherine Buchanan	Industry	Hanover	prædial	30 – –	paid.
	John Matherson	—	—	—	10 – –	—
	Mary Wilson	—	—	—	50 – –	not paid.
	Amelia Letham	New Found-river	—	—	12 – –	paid.
	Ann Devey	New Paradise	—	—	32 – –	—
A. L. Palmer:						
	Samuel Cource	Estate of the late S. Fraser	St. Ann's	non-prædial	40 – –	paid
	Hannah Parke	Westphalia Pl[n].	Port Royal	prædial	47 – –	—
	George Smart	Pleasant-hill Pl[n].	—	—	55 – –	—
	Alex. M'Dermot	Washington Pl[n].	—	non-prædial	34 13 4	not paid.
E. D. Philp:						
	Tabitha Campbell	Camp-savanna	Westmorland	non-prædial	32 10 –	paid.
	Catherine Clement	—	—	—	32 10 –	—
	David Morrice	Glasgow	—	prædial	87 – –	not paid.
J. Reynolds:						
	Eleanor Williams	Norfolk	St. Elizabeth	prædial	20 – –	paid.
	James and Elizabeth Wright	Manvale-pl[n].	—	prædial / non-prædial	54 3 4	— / —
J. R. Thomas:						
	William Henry	Claremont-penn	St. Mary's	prædial	58 13 4	paid.
	William Bennett	Albion estate	—	—	25 – –	—
	Thomas Place	Greencastle	—	non-prædial	20 – –	—
A. Welch:						
	Robert H. Markland	Lottery	Manchester	prædial	111 – –	paid.
Henry Walsh:						
	Sophia James	Mango-valley	St. Mary's	non-prædial	30 – –	paid.
	Catherine M'Cormick	Spring-valley	—	—	28 3 4	—

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £.	s.	d.	REMARKS.
R. Cocking:								
	Francis Jones	Islington estate	St. Mary's	prædial	32	–	–	paid.
	Cecilia Wilson	New Hope estate	—	—	42	13	4	—
	Margaret Roughley and daughter	Pembroke-hall	—	non-prædial	50	–	–	—
	Jeannette Kessock							
	Mary Ann Black	Richmond estate	—	prædial	50	–	–	—
	Elizabeth Thompson and her son	Oxford estate	—	non-prædial	45	–	–	—
	Mary Jameson	Greenwood estate	—	—	45	–	–	—
	Edward Morson and Elizabeth Morson	Carlton estate	—	—	36	–	–	—
	Jane Penser	Roslyn estate	—	—	45	–	–	not paid.
	Janette Forbes	Cromwell	—	—	45	–	–	paid.
	Edward Reid	Hopewell	—	—	40	–	–	—
	Richard Reid							
	Archy Johnson	Bellfield	St. James'	prædial	88	17	9½	—
	Nancy Wemyss	Castle Wemyss	—	—	32	10	–	—
Henry Laidlaw:								
	Susanna Richards	Little River	St. Ann's	non-prædial	35	–	–	paid.
	T. W. Tysee (a boy)	—	—	—	12	–	–	—
	Eleanor Fullerton	Penny's Penn	—	—	21	6	8	—
	Eliza Fullerton	—	—	—	21	6	8	—
	Sarah Borland	—	—	—	16	–	–	—
	Jane Hamilton	Dalrymple-park	—	—	16	–	–	—
	Jane Hawthorn	Unity-valley	—	—	30	–	–	—
	Milly Moncrieffe	Faith-penn	—	—	42	–	–	—
	Morgan Anderson	Mrs. Cocking	—	prædial	35	–	–	not paid.
	William Richards	Unity-valley	—	non-prædial	65	–	–	—
	James Barnett	Walton	—	—	54	3	4	—
	Henry Williams	Fullerton park	—	—	9	6	8	—
	Maria Pink Waters	G. F. Arthur	—	—	20	–	–	paid.
	Susan Darlington	Mount-pleasant	—	prædial	30	–	–	not paid.
R. J. Langrishe:								
	Susanna Simpson	Clarendon-park	Clarendon	prædial	55	–	–	not paid.
	Charlotte Baines	St. Jago	—	non-prædial	45	–	–	paid.
	Elizabeth Ross	Denbigh	—	—	45	–	–	not paid.
	Richard Dunkley	—	—	—	30	–	–	—
	Jane Kenyon	Mount-Moses	—	—	57	15	9	paid.
	James Allen	Green park	—	prædial	35	11	–	—
	Charles Hicks	Rhymesbury-park	—	—	34	14	6	—
	Martha Parley	St. Toolies	—	non-prædial	25	13	4	—
E. B. Lyon:								
	Jane M'Kie	Lysson estate	St. Thomas-in-the-East	non-prædial	28	–	–	paid.
	John Casey	—	—	—	4	–	–	—
	Lucy Allen	Leith-hall	—	—	25	–	–	—
	Lavinia Hall	—	—	—	25	–	–	not paid.
	Matilda Orr	George Taylor	—	—	24	–	–	—
	Richard Robinson	James Brydon	—	—	32	–	–	paid.
	Cecilia Burnie	Blue-mountain	—	prædial	50	–	–	—
	Henry Phelp	—	—	—	60	–	–	not paid.
	Mary Waters	—	—	—	36	–	–	—
	Nancy Lance	Windsor-castle	—	non-prædial	25	–	–	paid.
	Thomas Browing	—	—	—	14	–	–	—
	Elizabeth Robinson	Dunrobin	—	—	40	–	–	—
	Flora M'Kie	Rosette	—	prædial	50	–	–	—
	Mary Canning	Hall-head	—	non-prædial	36	–	–	—
	Charles Anderson	—	—	—	14	–	–	—
	Ann Lewis	East-prospect	—	—	36	–	–	not paid.
	William Palmer	Sheffield	St. David's	—	45	–	–	paid.
	Susanna Edmonson	Albion	—	—	45	–	–	—
	Jessie M'Culloch	Hall-head	St. Thomas-in-the East	—	16	–	–	—
	Janet Callaghan	Buckingham	—	—	25	–	–	not paid.
	Justina Simmonds	Sheffield	St. David's	—	45	–	–	paid.
	Sally Hare	Creighton-hall	—	—	37	6	8	—
	Thomas Dunkelly	Little-hill	St. Thomas-in-the-East	prædial	42	13	4	not paid.
	Robert Dick	Miss Sims	—	non-prædial	37	6	8	paid.
	Alexander Hutchinson	Buckingham	—	—	26	13	4	—
	Charles Young	—	—	—	45	–	–	not paid.
	Jos. Harris	—	—	prædial	25	–	–	paid.
	Ann Hutchinson	—	—	non-prædial	37	6	8	not paid.
	Allen M'Lean	—	—	—	5	6	8	—

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
E. B. Lyon—*continued.*						
	Rose Johnson	Garbrand-hall	St. Thomas-in-the-East	prædial	37 6 8	not paid.
	Ellen Phillips	Golden-valley	—	—	21 6 8	paid.
	Grace M'Farland	Lyssons	—	non-prædial	27 13 4	—
	Eliza M'Kie	—	—	—	27 13 4	—
	Ann M'Kie	—	—	—	27 13 4	—
	John M'Kie	—	—	—	27 13 4	not paid.
	Susan M'Kie	—	—	—	27 13 4	—
	Margaret Millwain	—	—	—	36 17 10	paid.
	Sarah Nangle	—	—	—	5 6 8	—
Thomas Davies:						
	Isabella Campbell	Georgia	Trelawny	non-prædial	40 — —	paid.
	Joseph Bridge	Green-park	—	prædial	42 — —	—
	Ann Elder	York	—	non-prædial	26 — —	—
	Eliza Chambers	Margaret Creighton	—	—	32 — —	not paid.
	John Hebgame	Roslin-castle	—	—	14 — —	paid.
	Sarah Carty	George's-valley	—	—	34 — —	—
	Eliza Holiday	—	—	—	18 — —	—
	Edward Wisdom	Elizabeth Foster	—	—	25 — —	—
	Glasgow	Mary Spencer	—	—	32 — —	not paid.
	Thomas Williams	Water-valley	—	prædial	75 — —	—
	Eleanor Crew	George Tindal	—	non-prædial	21 — —	paid.
	Ann Crew	—	—	—	13 — —	—
	Francis Thornton	Thomas Thornton	—	—	20 — —	—
	Eleanor Reed	Eliza M'Kenzie	—	—	40 — —	—
	John Gibbs	Brampton Bryan	—	—	30 — —	—
	Robert M'Kellety	Green-park	—	—	25 — —	—
	George Wilson	Roslin-castle	—	—	18 — —	—
	Eliza Dunstone	Gale's-valley	—	—	30 — —	—
	Ann Dunstone	—	—	—	30 — —	—
	Margaret Geddes	George's-valley	—	—	18 — —	—
	Louisa Jones	—	—	—	16 — —	—
	Henry Fisher	Bunker's-hill	—	prædial	50 — —	—
	Robert Jenkins	Orange-valley	—	—	80 — —	—
	Susan Duncan	Holland	—	non-prædial	30 — —	—
	Betsy Holder	William Miller	—	prædial	40 — —	—
	Jane Sutherland	—	—	non-prædial	32 — —	—
	Charles Walker	Hyde	—	prædial	50 — —	—
	Jessy Hislop	Green-park	—	non-prædial	30 — —	—
	Mary Willocks	—	—	—	35 — —	—
	Charles Tompson	Water-valley	—	prædial	40 — —	—
	Joanna Sims	Jane Richmond	—	non-prædial	30 — —	—
	Robert Neilson James Neilson	Green-park	—	—	100 — —	—
	Rebecca Harewood	Hopewell	—	—	33 — —	not paid.
	Elizabeth Brown	Silver-grove	—	prædial	20 — —	paid.
	John Page	Mrs. Lamont	—	non-prædial	50 — —	—
	Helen Girdwood	Good Hope	—	—	25 — —	—
	Elizabeth M'Clare	Stonehenge	—	—	25 — —	—
	Lewis Ferguson	Green-park	—	—	100 — —	—
	James Brown	Chester	—	prædial	75 — —	—
	James Kelly	William Dyer	—	non-prædial	70 — —	not paid.
	Jane Barrett	Cambridge	—	—	25 — —	paid.
	Walter Parke	Good Hope	—	prædial	40 — —	—
	Robert Walker	Retreat	—	—	55 — —	not paid.
	Ann Johnstone	Mrs. Brown	—	non-prædial	30 — —	—
	William Clarke	Pembroke	—	prædial	50 — —	paid.
	Jos. Davey	Mary Earl	—	non-prædial	30 — —	—
	Maria Ainsworth	Colchis	—	—	25 — —	not paid.
	Molly Minto	Jock's lodge	—	prædial	20 — —	—
	Sarah Williams	Forrest	—	—	20 — —	paid.
	Josh. Jobson	Tilston	—	—	60 — —	—
	Woolary Baker	Barnstaple	—	—	60 — —	not paid.
	Ewen M'Lachlan	Golden-grove	—	non-prædial	20 — —	—
	Joseph Gerrard	Alexander Munro	Hanover	—	26 — —	paid.
	William Johns	Covey	Trelawny	—	15 — —	—
	William Campbell	Florence-hall	—	—	20 — —	—
	Charlotte Graham	Good Hope	—	—	25 — —	—
	Olive Reed	Colchis	—	—	20 — —	not paid.
	Sarah Russell	Josh. Solomon	—	—	20 — —	paid.
	Wisdom Barrett	Oxford	—	—	15 — —	—
	Mary Williams	Silver-grove	—	—	32 — —	—
	George Anderson	Bunker's-hill	—	prædial	50 — —	not paid.
	Mary Brown and child	Friendship	—	non-prædial	25 — —	—
	Frances Gale	Pheedix	—	prædial	50 — —	—

(*continued*)

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
THOMAS DAVIES—*continued*:						
	Mary Perry	Windsor-penn	Trelawny	non prædial	22 – –	paid.
	Ann Johns	—	—	—	10 – –	—
	Diana Colter	Roger Davis	—	—	40 – –	—
	Juliana Whittaker	Claremont	—	—	38 – –	—
	Thomas Higginson	Alex. Green	—	—	50 – –	—
	Sophia Willett	Green-park	—	—	20 – –	—
	Rebecca Treasure	Belmont	—	—	40 – –	not paid.
	Daniel Kean	—	—	prædial	55 – –	paid.
	Letitia James	Catherine Green	—	—	35 – –	not paid.
	Arabella Stewart	Irving-tower	—	—	8 – –	paid.
	Mary Gale	Water-valley	—	—	35 – –	—
	Alexander Ferguson	Green-park	—	—	80 – –	—
	Eliza Heulen and two children	Samuel Jackson	—	non-prædial	32 – –	—
	Ann Dobson	Orange-valley	—	—	40 – –	—
	Mary Hunter	Barnstaple	—	—	34 – –	—
	Margaret Kelman	—	—	—	22 – –	—
	Jessy Campbell and son	Retrieve, Old Works	Hanover	—	26 – –	—
	Lawrence Campbell	Weston Favel	Trelawny	prædial	21 6 8	not paid.
	John Baillie	Georgia	—	—	75 – –	paid.
S. PRYCE:						
	Jessy Walken	Good-hope	Trelawny	non-prædial	30 – –	paid.
	Maria Jackson	Bunker's-hill	—	—	35 – –	not paid.
	David Barth	Silver-grove	—	—	32 15 7	paid.
	Ann Evans	Good-hope	—	—	35 – –	—
	Thomas Taylor	—	—	—	21 13 4	—
	Mary A. Hilton	Jock's-lodge	—	—	35 – –	—
	Edward Spencer	Cambridge	—	prædial att^{d}.	88 5 –	—
	David Lyon	Fontabelle	—	non-prædial	21 13 4	not paid.
JOHN DAUGHTREY:						
	James Kelly	Green-castle	St. Thomas-in-the-East	prædial	80 – –	paid.
	Lydia Bolton	—	—	—	65 – –	not paid.
	Romeo Clark	Ginger-hall	—	—	100 – –	paid.
	Lucy Allen	Leith-hall	—	non-prædial	65 – –	not paid.
	Louisa Neal	—	—	—	55 – –	—
	George Lake	Romeo Clark	—	prædial	70 – –	—
	Sophia Schroeder	Holland	—	—	20 – –	paid.
	James Charity	Golden-grove	—	non-prædial	60 – –	—
	Ann Baker	Fuller's-wood	St. Elizabeth	prædial	50 – –	—
	Alexander Ogilvie	Brighton	—	—	60 – –	—
S. RAWLINSON:						
	James Finlayson	Pensburst	St. Ann's	—	73 6 8	paid.
	William Dalling	—	—	non-prædial	70 – –	not paid.
	George H. Warren	—	—	prædial	55 – –	—
	Peter W. Atkinson	—	—	—	55 – –	—
	Mary Notice	Muirhouse	—	—	50 – –	—
	Jane White	Esling	—	—	50 – –	—
	Robert Dixon	Cave-valley	—	—	78 4 6	—
	Jervis Webb	Knapdale	—	—	110 – –	—
	Wm. Wisdom	Greenwich	—	—	45 – –	paid.
	Henry Peat	Knapdale	—	—	53 6 8	—
	Francis Brown	Unity	—	—	36 3 4	not paid
	John Gabandan	Hampstead	—	—	57 – –	—
	George Berwick	Ballintry	—	—	100 – –	—
	Ann Fullerton	—	—	—	50 – –	—
T. M. OLIVER:						
	Maria	Mr. Farquharson	St. Dorothy	—	55 10 –	not paid.
	Richard Clarke	Elizabeth Russell	Westmorland	—	65 – –	—
	Alexander Forrest	Mount Edgecumbe	—	—	63 15 –	paid.
	Amos Cremon	Bellisle	—	—	60 – –	not paid.
	Thomas Williams	John G. Campbell	—	—	59 – –	—
	Joseph Wedderburn	Bath	—	non-prædial	100 – –	—
	Charles Raddock	Catherine Richards	—	prædial	50 – –	—
	Mary Williams	Peterville	—	non-prædial	30 – –	paid.
	Eleanor Sweeney	Jane Salter	—	—	56 – –	—
	Maria Philby	W. S. Grignon	—	—	31 13 4	—
	John Wright	Amity	—	carpenter	132 – –	—
	William Roach	George Kerlew	—	prædial	62 – –	not paid.
WM. MARLTON:						
	Jane Browl	Stoneyfield-penn	St. Mary's	prædial att^{d}.	50 – –	paid.
	Charles Palmer	Fontabelle	—	—	64 – –	not paid.

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
WM. MARLTON—*continued:*						
	Neil	Pemberton-valley	St. Mary's	non-prædial	20 – –	paid.
	Robert Johnson	Warwick-castle	—	prædial att^{d}.	44 – –	—
	Sarah A. Empty	Brimmer-hall	—	—	25 – –	not paid.
	Bessy Bailey	Heywood-hall	—	—	35 – –	—
	Robinson Taylor	Agnalta-vale	—	—	55 – –	paid.
	Robert Campbell	—	—	—	50 – –	—
	Lucretia Waters	Jane Bertins	—	non-prædial	32 13 4	—
	Cornelia Johnson	Ballard's-valley	—	—	18 6 8	not paid.
	Mary Colinridge	Llanrumney	—	prædial att^{d}.	35 11 2	—
	James Ritchie	Job's-hill	—	—	35 11 2	paid.
	Ann Davis	Union	—	—	53 – –	not paid.
	Mary Ann Ray	Llanrumney	—	non-prædial	34 13 4	paid.
	Gracy Ann	Trinity	—	prædial att^{d}.	17 6 8	—
	George Bagnall	—	—	—	14 – –	not paid.
	Elizabeth Kelly	Frontier	—	non-prædial	43 – –	paid.
	Margaret Bucknall	Rock-river	—	—	35 – –	—
	Jeannette Anderson	Nonsuch	—	prædial att^{d}.	50 – –	not paid.
	William Harrison	Braemar	—	non-prædial	12 13 4	—
	Christina Frank	Albion	—	prædial att^{d}.	53 6 8	—
E. D. BAYNES:						
	Robert Edwards	Thomas Oliver	St. John's	prædial	60 – –	paid.
	James Wilson	—	—	—	20 – –	—
	Jane Wilson	—	—	—	20 – –	—
	John Richards	Rectory	—	—	40 – –	—
	Francis Foster	Sir Rose Price	—	non-prædial	32 – –	—
	Louisa Dale	—	—	—	10 – –	—
	Susanna Hoare	Thetford	—	—	32 – –	—
	Kitty Pengelly	John Deffell	—	—	32 – –	—
	Elizabeth Williams	Wm. Coleman	—	prædial	35 – –	—
	Mary Oatnes	—	—	—	45 – –	—
	Anne Francis	Thomas Oliver	—	—	29 15 4	—
	Robert Gordon	—	—	—	44 13 4	not paid.
	Rosa Thomas	Watermount	—	—	75 – –	paid.
H. B. CLARKE:						
	Cecilia C. Jackson	Virgin-valley	St. James	prædial	14 – –	paid.
	Catherine Hamilton	Sunderland	—	—	32 – –	—
WM. OLDREY:						
	Betsy Boyd	Hut Scott, esq.	St. Elizabeth	non-prædial	26 13 4	
	Margaret Hill	Hon. J. Salmon	—	—	Gift.	
	A Boy	Fonthill-estate	—	—	5 10 –	—
JAMES CLINCH:						
	Sarah Martin	Reid's-penn	St. Catherine	prædial	53 6 8	paid.
	Emily Williams	Miss Dufresnoy	—	non-prædial	60 – –	not paid.
	Grace Curtis	—	—	—	45 – –	—
	Mary Ann	Robert Russell	—	—	40 – –	paid.
	Edward Salisbury	Daniel Saa	—	—	40 – –	—
J. S. JERDAN:						
	Anne Bissett	—	St. Thomas-in-the-East	non-prædial	42 – –	
	Charlotte Watson	—	—	—	21 – –	
W. H. SOWLEY:						
	Sarah Shelley	Blenheim-estate	St. Ann's	non-prædial	105 – –	not paid.
	Kitty Burbridge					
	Eliza Burbridge					
	John Burbridge					
	Ann M'Cook	Cranbrook-estate	—	—	16 – –	paid.
	Charles Barnsley	Blenheim	—	—	10 – –	—
	Isabella Noice	—	—	—	25 – –	—
	Maria Jones	Unity-penn	—	prædial	40 – –	not paid.
	Janet Cundie	—	—	—	36 13 4	—
	Frederick Carter	—	—	—	14 13 4	paid.
	Margaret Wilson	Seville-estate	—	—	66 – –	—
	Rebecca Affleck	—	—	non-prædial	34 17 11	not paid.
	Patrick Cook	W. L. M'Cook	—	—	68 6 8	paid.
	Richard Shelley	Sheba Shelley	—	—	68 6 8	not paid.
	Charlotte Miller	—	—	—	38 16 8	—
	Catherine French	Mrs. Hull	—	—	9 12 6	—
	Edward Heming	Seville-estate	—	—	38 10 5	paid.
	Jessy Barnett	—	—	—	28 17 11	—

(*continued*)

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
W. H. Sowley—*continued.*						
	Mary Jackson	Seville estate	St. Ann's	non-prædial	22 4 7	not paid.
	Maria Hay	Mary Fraser	—	—	38 10 5	paid.
	Peter M'Farlane	Seville estate	—	prædial	74 18 4	not paid.
	Catherine Heming	—	—	non-prædial	36 11 10	—
A. T. Dillon:						
	Thomas Watson	Ann Cherriers	Clarendon	prædial	58 — —	paid.
	Ann Bayly	Bryan's-hill	—	—	33 — —	—
	Sarah Thomas	Mirth-place	—	—	60 — —	—
	Diana Gale	Stuckle-penn	—	—	32 — —	not paid.
J. K. Dawson:						
	Sarah Leen	Hector's-river estate	St. Thomas-in-the-East	non-prædial	32 13 4	paid.
	Maria V. Clark	Jas. M'Williams	—	—	17 10 —	—
	William Brown	Hector's river estate	—	prædial	58 13 4	—
	Catherine Delaney	Unity-valley	Portland	non-prædial	35 — —	—
	Esther Saunders	Elm-wood	St. Thomas-in-the-East	prædial	14 — —	—
	Robert Foster	Edward Panton	—	—	105 — —	not paid.
B. Edwards:						
	Aurelia Lewis	Bog estate	Westmorland	prædial	28 — —	paid.
	Jane Woollery	Archibald Campbell	—	non-prædial	31 6 3	—
	Henry M'Donald	Hutn. Scott	—	prædial	71 2 3	—
	Margaret Gale	Glemburnie	—	non-prædial	6 6 10	—
	Eliza Leslie	Thomas Tate	—	prædial	50 — —	not paid.
E. E. Fishbourne:						
	William Irving	Gibraltar	St. George	non-prædial	30 6 8	paid.
	Christiana Strachan	Fort-George-penn	—	—	10 — —	—
	Sarah Williams	Jane Shawe	—	—	26 13 4	—
	Richard Williams	Alexander Campbell	—	prædial	42 13 4	not paid.
	Sarah Anderson	Susanna Roper	—	—	51 13 4	—
	Robert Douglas	Windsor-castle	—	non-prædial	21 12 2	—
	Lawrence Mason	Dr. W. Robinson	—	—	16 17 8	paid.
W. Finlayson:						
	Alexander C. Rose	Hoghole estate	St. Thomas-in-the-Vale	non-prædial	50 — —	paid.
	Cornelia Williams	Shelton	—	prædial	60 — —	—
	Peggy Thomas	Newhall	—	—	64 13 9	not paid.
	William Graham	Rio Magna	—	non-prædial	40 — —	—
	Nanny Waters	Door-hall	—	—	30 — —	paid.
	James M'Dougall	Hyde	—	prædial	33 10 —	—
	Juliana Edwards	Boosy-ridge	—	—	61 17 6	not paid.
	Eleanor Hare	—	—	—	10 — —	—
	Maria Williams	Door-hall	—	—	35 — —	—
	Sally Poole	—	—	—	28 10 —	—
	Jane Godfrey	Pear-tree-grove	—	—	32 10 —	—
	Samuel Godfrey	—	—	—	43 6 8	—
John Gurley:						
	Ann Allen Rose	The estate of late Mr. M'Craken	St. Elizabeth	non-prædial	32 10 —	paid.
	William Banton	Happy-retreat	—	—	10 — —	—
	R. J. Holdness	Thatchfield-penn	—	prædial	48 4 —	—
	Elizabeth Oliphant	John Porter	—	non-prædial	10 — —	—
	Mary Ann Willett	—	—	—	10 — —	—
J. R. Hulme:						
	Euphemia M'Kenzie	Tryall estate	Hanover	non-prædial	60 — —	not paid.
	Christiana Stephenson	Neil M'Callum	—	—	43 5 6	—
	Harriet Lawrence	Barbican estate	—	prædial	70 — —	—
	Ann Cameron	Retrieve, Old Works	—	non-prædial	43 6 8	paid.
	Frances Card	Bamboo estate	—	—	43 6 8	not paid.
	Margaret Forbes	Kew	—	prædial	54 — —	—
	Joseph Williams	Rose-hill	—	—	60 — —	—
	Davis Campbell	David Pullar	—	—	50 — —	—
	Amelia Kunbley	—	—	—	40 — —	—
R. S. Haly:						
	John M'Donald	Kellett's	Clarendon	non-prædial	18 — —	paid.
	Ann M'Donald	—	—	—	20 — —	—
	Edward Aldred	Mr. K. Macdonald	—	—	85 — —	—

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
R. S. Haly—*continued.*						
	William Fearon	Prevost's-rock-river	Clarendon	non-prædial	85 – –	paid.
	Margaret E. Johnson	Crawle-river	—	—	18 – –	—
	Ann Bird	Oakes	—	—	49 – –	not paid.
	Pompey Chambers	A. Dunne	—	prædial	55 – –	—
	Thomas Watson	Ann Cherier	—	—	58 – –	paid.
	Jane Lawrence	Kellets	—	non-prædial	18 – –	not paid.
	John Nelson	—	—	prædial	45 – –	—
William Hewitt:						
	Robert Jaquet	Lowhayton estate	St. George	non-prædial	51 6 8	not paid.
	Mimba Maxwell	—	—	prædial	18 – –	paid.
	William Muir	Guatemala	—	non-prædial	100 12 7	not paid.
C. Hawkins:						
	Thomas Henry	Stonehenge	Trelawny	prædial	50 – –	paid.
	Mary Clarke	Baoca	—	—	50 – –	—
	Sarah Spence	—	—	—	18 – –	—
	Henrietta Codling	Stonehenge	—	non-prædial	22 10 –	—
	Joseph M'Kenzie	Vale-royal	—	prædial	56 13 4	—
T. W. Jones:						
	Robert Barley	Mullock	St. Thomas-in-the-East	prædial	106 13 4	not paid.
	James Brown	Philipsburg	—	—	71 2 2	—
	Mary Grove	West-prospect	—	non-prædial	28 17 9	paid.
T. Baynes:						
	Frances Godfrey	C. H. M'Dermot	St. Thomas-in-the-Vale	prædial	26 13 4	not paid.
	Samuel Fletcher (boy)	John M'Gregor	—	non-prædial	13 – –	—
	G. Davidson	Wallens	—	prædial	352 – –	—
	Ann Crawford (girl)	Rose-hall	—	non-prædial	9 7 11	—
	Fanny Foote	Hayfield	—	prædial	68 17 9	—
	James Martin	Serjeant Davis (police)	—	—	68 17 9	—
W. A. Bell:						
	James Perkins	Drax-hall	St. Ann's	prædial	130 – –	paid.
	Harriet Dennison	Blenheim	—	—	105 10 –	—
	Eliza Foster	Lancaster	St. Elizabeth	non-prædial	40 13 4	—
	Sarah Lennard (12 years)	—	—	—	11 6 8	—
	Marien Cope	—	—	—	21 6 8	—
	Janet Boyd (7 years)	Union	—	—	4 13 4	—
	James Anderson	Bagdale	—	prædial	128 6 8	not paid.
	David Anderson	—	—	—	128 6 8	—
	Anne Allen	Bogue	—	non-prædial	37 6 8	paid.
	Mary Peddie	Biscany	—	—	34 13 4	—
H. Blake:						
	James Charity	Golden-grove	St. Thomas-in-the-East	non-prædial	60 – –	paid.
	Jane Lewis	—	—	prædial	14 – –	—
	Maria White	Mr. M'Farquhar	—	non-prædial	50 – –	—
	Christian Kelly	Mr. G. Halliburton	—	prædial	25 – –	—
	Fanny Barclay	Plaintain-garden-river	—	—	70 – –	not paid.
	William Sloap	Holland	—	—	112 – –	—
	Robert Farrant	Pleasant-hill	—	non-prædial	30 – –	paid.
	Thomas Gillepsay	Mr. Hallyburton	—	prædial	17 10 –	not paid.
T. Colebrooke:						
	Caroline Swaby	Spur-tree plantation	Manchester	non-prædial	40 – –	paid.
	John Nunes	—	—	—	60 – –	—
	Ann Boodle	Mount Nelson	—	—	10 6 8	—
	John King	Bull-dead	—	—	15 – –	—
	Sappho Beadle	Blenheim	—	—	35 15 10	—
	Francis James	Miss E. Compass	—	—	35 11 2	—
	Richard Coley	John's-hall plantation	—	—	21 13 4	—
	Caroline Davis	Wear-pen estate	—	—	43 6 8	—
	Sarah W. Mullings	Mr. Telfer	—	—	48 8 9	—
N. A. Connor:						
	Sarah Nelson	Liberty-hall	St. Ann's	prædial	40 – –	paid.
	Ewing Bennett	Southfield	—	non-prædial	70 – –	—
	Thomas Wilson	Seville	—	—	60 – –	—
	Elizabeth Affiick	—	—	prædial	40 – –	not paid.
	Thomas Ritchie	Windsor-lodge	—	non-prædial	76 13 4	—

(*continued*)

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £.	s.	d.	REMARKS.
N. A. Connor—*continued.*								
	Thomas Walworth	Alexandria	St. Ann's	prædial	70	–	–	not paid.
	Thomas Parkinson	Sarah Parkinson	—	—	96	13	4	—
	Elizabeth Willey	Retreat-penn	—	non-prædial	36	–	–	—
	Mary Ann Small	Hamilton Brown	—	—	44	–	–	paid.
	Margaret Ingram	Blenheim	—	—				
	Thomas Ingram	– — –	—	—	150	–	–	—
	Eliza Ingram	– — –	—	—				
	Peter Ingram	– — –	—	—				
Connor & Chamberlaine:								
	Charlotte Ingram	Blenheim	—	non-prædial				
	Alexander Ingram	– — –	—	—	–	–	–	—
	David Ingram	– — –	—	—				
	Eliza Gaynor	Miss O'Brien	—	—	65	–	–	not paid.
	Esther Cohen	– — –	—	—	26	–	–	—
	Samuel Wood	Mr. Menzies	Kingston	—	69	5	–	paid.
	Lyddie	Mr. Dacosta	—	—	29	1	8	not paid.
	Richard Cornelius	Mr. Safferty	—	—	60	–	–	paid.
	Kitty Smith	Mr. Mendez	—	—	39	–	–	—
	Edward Brown	Miss Baily	—	—	50	11	2	—
	Edward Cantalo	Mr. James	—	—	25	–	–	—
	Jane Lyewood	Miss Murray	—	—	39	9	8	—
	Kate Bryan	Miss Dunbar	—	—	29	12	2 ⅓	—
	Betsy Miller	Miss Miller	—	—	39	9	8	not paid.
	James Yates	Miss Yates	—	—	53	10	4 ½	—
	Robert Gardiner	Mr. Anderson	—	—	10	1	10	paid.
	Margaret Montgomery	Miss Bish	—	—	38	10	4 ½	—
	Choissier	Mr. Abrahams	—	—	63	11	3	not paid.
	Mary Hall	Mrs. Brown	—	—	18	15	8	paid.
	Francis Lunan	Mrs. Atkinson	—	—	28	3	4 ½	—
	Dorothy Dixon	Mr. Lavine	—	—	41	5	10	—
	James Tindall	Mrs. Z. Cohen	—	—	84	10	–	—
	Catherine Kenton	Eolus estate	St. David's	—	56	6	7 ½	—
	Sarah Duffey	Mrs. Reuben	Kingston	—	16	–	–	—
	Mary Howlett	Mr. R. Baines	—	—	16	–	–	—
	Alexander Keane	Mr. Fannin	—	—	1	–	–	—
	George Logan	Mr. Pearson	—	—	5	6	8	—
	Robert M'Dermot	Mrs. Emily Rowley	—	—	5	6	8	—
	Prudence	Madame Dreaux	—	—	16	–	–	—
	Mary Anne	Miss M'Kay	—	—	16	–	–	—
	Darby English	Mr. Furtado	—	—	24	–	–	—
P. Dunne:								
	Agnes Anderson	Windsor-castle	St. David's	—	40	–	–	not paid.
	Margaret Shea	– — –	—	—	40	–	–	—
	John Phipps	Radnor	—	—	48	17	9 ½	paid.
	Robert William	Carrick-hill	—	prædial	60	–	–	—
R. Daly:								
	Margaret Blair	Grand-vale	Westmorland	non-prædial	26	–	–	not paid.
	Child	– — –	—	—	5	–	–	—
	Eliza Catchart	– — –	—	—	26	–	–	—
Hill & Norcott:								
	John B. Howard	James Jackson	St. James	—	25	–	–	paid.
	Charles Bowen	P. A. Morris	—	—	35	–	–	—
	George Earl	Richard Smith	—	—	40	–	–	—
	Margaret	Mrs. J. J. Bernard	—	—	25	–	–	—
	John M'Lelland	Thomas J. Gray	—	—	15	–	–	—
	Joseph Bulgin	Gouldborough estate	—	prædial, att^{d}.	81	–	–	—
	Ann Crombie	Virgin-valley	—	non-prædial	30	–	–	—
	Robert Crombie	– — –	—	—	15	–	–	—
	Robert Montague Fen	– — –	—	prædial	40	–	–	paid.
	Jane Anglin	W. S. Grignon	—	non-prædial	35	–	–	—
	Mary Lyon	Mrs. Coates	—	—	27	10	–	—
	Ann Lyon	– — –	—	—	43	19	2	—
	Sarah Lyon	– — –	—	—	40	12	6	—
	Charles Lyon	– — –	—	—	30	5	10	—
A. Dillon:								
	Margaret Dawson	Harriet Gordon	St. Ann's	prædial	40	–	–	not paid.
	Margaret Williams	Farm plantation	—	non-prædial	34	5	–	—
	Edwin Incher	Orange-valley	—	—	10	–	–	paid.
	Adam Incher	– — –	—	—	8	–	–	—
	Catherine Brown	Kensington	—	prædial	31	–	–	—

SPECIAL MAGISTRATE.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	REMARKS.
A. N. M'Leod:						
	Elizabeth Richards	Spring-garden	St. Dorothy	prædial	71 18 2	not paid.
	Celia Henry	Bodle's-penn	—	—	17 6 8	—
	Henry Taylor	Loyd's-penn	—	—	112 – –	—
	John Webley	Amity-hall	—	—	113 18 4	—
J. H. St. John:						
	James Tyrrell	J. Williamson	Port Royal	non-prædial	20 – –	—
	Richard Harvey	George Harvey	—	—	55 – –	—
Dr. Thompson:						
	Catherine Munroe (an old woman)	Mr. M'Cook	St. Ann	unknown	5 – –	given to her by master.
H. Kent:						
	Sam. Cæsar	Pleasant-hill	Port Royal	prædial	21 6 8	paid.
	Elizabeth Cross	Lunna	St. Mary's	non-prædial	40 – –	—

ABSTRACT of Valuations of Apprentices, from 1st June to 31st August 1835.

SPECIAL JUSTICE'S NAME.	Total Valued.	Paid.	Not Paid.	SPECIAL JUSTICE'S NAME.	Total Valued.	Paid.	Not Paid.
Alley, William H.	1	–	1	Marlton, William	7	5	2
Baines, Thomas J.	3	3	–	Nolan, James	7	4	3
Blake, Henry	3	2	1	Philp, E. D.	5	2	3
Brown, R. A.	3	2	1	Pennell, R. C.	4	2	2
Connor, N. A.	2	2	–	Rawlinson, S. R.	5	4	1
Davies, Thomas	12	8	4	Reynolds, John	2	2	–
Edwards, Bryan	4	2	2	Sowley, W. H.	11	4	7
Fyfe, A. G.	1	1	–	Welch, A.	1	1	–
Fishbourne, E. E.	2	–	2	Walsh, Henry	6	2	4
Gurley, John	1	1	–	Cocking, R.	2	2	–
Hewitt, William	1	1	–	Finlayson, W.	2	1	1
Haly, R. S.	5	2	3	Bell, W. A.	7	4	3
Hawkins, Charles	3	1	2	Daughtrey, John	2	–	2
Hulme, J. R.	3	–	3	Odell, John	3	3	–
Laidlaw, Henry	9	9	–	Pryce, Samuel	14	3	11
Lyon, E. B.	7	7	–	Cooper, R. S.	2	2	–
Lloyd, Samuel	8	5	3	Dawson, J. K.	2	2	–
Kent, Henry	6	4	2				
M'Leod, A. N.	3	1	2	Total	162	96	66
Moresby, Henry	3	2	1				

RETURNS of VALUATIONS of APPRENTICESHIP made by the SPECIAL MAGISTRATES, from the 1st June to the 31st August 1835.

NAME of SPECIAL MAGISTRATE.	NAME of APPRENTICE.	ESTATE, or MASTER'S NAME.	PARISH.	CLASS.	VALUE. £. s. d.	IF PAID OR NOT.
Alley, Wm. H.	Eliza M'Leich	Miss Dunkan of Beverly.	Manchester	non-prædial	18 15 –	not paid.
Baines, Tho. Joseph	John Prince	Stoakes Hall	St.Thos.-in-the-East	prædial	30 – –	paid.
	Diana Barclay	Charl.Taylor, ditto	ditto	non-prædial	32 – –	ditto.
	Anne Edwards	Phillips' Field	ditto	prædial	17 7 7	ditto.
Browne, Otway	no valuations.					
Blake, Henry	Edward Wilson	G. Haliburton	St.Thos.-in-the-East	prædial	103 6 8	not paid.
	George Baxter	E. Baxter	ditto	ditto	16 13 4	paid.
	Ann Collins	Hordley	ditto	non-prædial	17 6 8	ditto.
Brown, Rich. Acton	Ann Lewis	Wm. GarveyClarke	St. Ann	prædial	48 – –	ditto.
	Virginia Williams	ditto	ditto	ditto	16 – –	ditto.
	Chas. Whitehouse	ditto	ditto	ditto	66 13 4	not paid.
Connor, N. A.	Amelia Hawkins	Dr. Spalding	Kingston	non-prædial	52 6 8	paid.
	Thomas Wright	Mr. A. Pinto	ditto	ditto	46 9 4	ditto.
Clarke, Capt. H. B.	no valuations.					
Davies, Thomas	Joanna Sims	Jane Richmond	Trelawny	non-prædial	30 – –	--paid Jane Richmond.
	Rebecca Harewood	Hopewell Tyler	ditto	ditto	33 – –	--paid Jos.Hodgson, attorney.
	Rosetta Cadenhead	Hopewell Tyler	ditto	ditto	21 6 8	ditto -- ditto.
	Thomas Sharp	Elizabeth Giles	ditto	ditto	40 – –	not paid.
	Sarah Johnstone	Archibald Main	ditto	ditto	20 – –	--paid Archibald Main, Trelawny.
	Susan Sweny	Mary A. Campbell	ditto	ditto	26 13 4	--paid Mary Ann Campbell.
	Ann Murray	Oxford	ditto	ditto	32 – –	not paid.
	Samuel Wyatt	Cath. Wyatt	ditto	ditto	10 – –	--paid Paul Doig in possession.
	Thomas Gore	Orange Valley	ditto	prædial	60 – –	--paid Chas.Fry, attorney.
	Elizabeth Gold	Irving Tower	ditto	ditto	20 – –	--paid Lawr.Hyslop.
	Maria Arthurs	Sarah Mussenden	ditto	non-prædial	30 – –	not paid.
	James Eccleston	Water Valley	ditto	ditto	45 – –	ditto.
Dillon, T. A.	no valuations.					
Dunne, Patrick	no valuations.					
Dillon, Capt. A.	no valuations.					
Edwards, Bryan	Eliza Leslie	Thomas Tate	Westmorland	first class	33 1 3	money paid.
	Robert Fergusson	Clifden Penn	ditto	ditto	40 – –	ditto.
	Susan Clarke	ditto	ditto	second class	16 – –	not paid.
	Thomas Cumming	ditto	ditto	ditto	13 6 8	ditto.
Elliott, Capt. Wm.	no valuations.					
Farrar, Simeon	no valuations.					
Fyfe, Alex. G.	Eleanor Cosens	Fairy Hill	Portland	non-prædial	42 – –	paid.
Fishbourne, E. E.	Dorothy Morrison	Jasper Hall, of Hector's River.	St.Thos.-in-the-East	non-prædial	32 – –	not paid.
	Elsie Matheson	--Wentworth Bailey, Gibraltar.	St. George	ditto	10 – –	ditto.
Gurley, John	Edward Dorking	Salt Spring	St. Elizabeth's	non-prædial	33 6 8	paid.
Hewitt, William	Richard James	Kildare	St. George	non-prædial	16 – –	ditto.
Haly, R. Standish	Frances Parker	Mocha Estate	Clarendon	prædial	25 – –	--amount not yet paid.
	William Stone	Dr. Hayle	ditto	non-prædial	22 – –	ditto.
	Elizabeth Dixon	ditto	ditto	unattached d°	65 – –	ditto.
	Eleanor Stewart	Cornhill	ditto	prædial	75 – –	--paid certificate granted.
	Thomas Williams	ditto	ditto	ditto	40 – –	ditto.
Harris, James	no valuations.					
Hawkins, Charles	Cicelia Archer	Arcadia	Trelawny	non-prædial	30 18 10¾	not paid.
	Jannet Smith	Braco	ditto	ditto	23 12 3¾	paid.
	Sarah Ann Miller	Steetfield	ditto	ditto	38 7 10	not paid.
Hulme, John R.	Benjamin Rathay				26 10 – each	not yet paid.
	Margaret Rathay	Woodchants	Hanover	non-prædials	19 10 – each	not yet paid.
	Janet Rathay				19 10 – each	not yet paid.
Langrishe, R. J.	no valuations.					

NAME of SPECIAL MAGISTRATE.	NAME of APPRENTICE.	ESTATE, or MASTER'S NAME.	PARISH.	CLASS.	VALUE. £. s. d.	IF PAID OR NOT.
Laidlaw, Henry -	Mary Aug. Sicard	York Castle -	St. Ann - -	non-prædial	50 – –	paid.
	Ellen Sicard -	ditto - -	ditto - -	ditto -	12 – –	ditto.
	Isaac Sicard -	ditto - -	ditto - -	ditto -	10 – –	ditto.
	Rachel Sicard -	ditto - -	ditto - -	ditto -	6 – –	ditto.
	Maria Sicard -	ditto - -	ditto - -	ditto -	2 – –	ditto.
	Catherine Taafe -	Airy Mount -	ditto - -	ditto -	20 – –	ditto.
	George Taafe -	ditto - -	ditto - -	ditto -	16 – –	ditto.
	Sarah Anderson -	Fairfield - -	ditto - -	prædial -	33 6 8	ditto.
	George Beecher -	Ann Beecher -	ditto - -	non-prædial	40 – –	ditto.
Lambert, R. Sydney	- - no valuations.					
Lyon, Edmund B. -	John Donoldson -	Lysson's Estate -	St. Thos.-in-the-East	non-prædial	40 – –	paid.
	Thomas Millwain	ditto - -	ditto - -	ditto -	26 – –	ditto.
	James Wilkie -	Prospect Penn -	St. David's - -	prædial -	53 16 8	ditto.
	Ann Barnswell -	Palmetto Ruin -	St. Thos.-in-the-East	non-prædial	17 6 8	ditto.
	M. A. Harnett -	Nuts River - -	ditto - -	ditto -	16 – –	part ditto.
	Jane Nolan - -	Petersfield - -	ditto - -	ditto -	26 – –	ditto.
	Maryalet Johnson	Cypress Penn -	St. David's - -	ditto -	32 – –	ditto.
Lloyd, Samuel -	Jessy Hill - -	Joppa - -	St. Andrew's -	prædial -	40 – –	paid.
	Billy Henry (boy)	ditto - -	ditto - -	ditto -	30 – –	ditto.
	Kate M'Glashen -	Mullett Hall -	ditto - -	ditto -	40 – –	not paid.
	Eliz. M'Octamen	Robert M'Achnan	ditto - -	ditto -	46 13 4	ditto.
	Eliza Tucker (girl)	ditto - -	ditto - -	ditto -	10 13 4	ditto.
	Anne Sutherland	Shortwood - -	ditto - -	non-prædial	10 – –	paid.
	Isabelle Williams	John Been - -	ditto - -	prædial -	33 – –	ditto.
	Susan Bryan -	Sterling Castle -	ditto - -	ditto -	33 – –	ditto.
Kent, Henry -	Elizabeth Cross -	Lunna Plantation	St. Mary's - -	non-prædial	40 – –	paid.
	Elizabeth Smith -	Whitfield Hall -	St. David's - -	ditto -	31 2 5	ditto.
	Margaret Walker	ditto - -	ditto - -	ditto -	33 4 6	ditto.
	Mary O'Hanlan -	ditto - -	ditto - -	ditto -	11 1 5	ditto.
	Mary Ann Parke	Westphalia - -	Port Royal - -	ditto -	39 7 3	not paid.
	Sarah Lee - -	Whitfield Hall -	St. David's - -	ditto -	35 8 8	ditto.
M'Leod, Alex. N. -	Elizabeth Richards	Spring Garden -	St. Dorothy -	prædial -	71 18 2	ditto.
	Sicilia Henry -	Bodle's Pen -	ditto - -	ditto -	68 11 1	ditto.
	Julia Oldwood -	Bushy Park -	ditto - -	non-prædial	12 13 –	paid.
Moresby, Henry -	Jane M'Kenzie -	Sarah J. Stanbury	St. Catherine -	domestic -	34 13 4½	not paid.
	Hannah Johnson -	- - Aug. E. Fuller, esq.	ditto - -	ditto -	30 – –	paid.
	Margaret Harrison	ditto - -	ditto - -	ditto -	30 – –	ditto.
Marlton, William -	Rebecca Norman	Mr. John Ray -	St. Mary's - -	non-prædial	36 – –	ditto.
	James Smith -	Cape Clear Pen -	ditto - -	ditto -	53 6 8	not paid.
	Henry Crowby -	ditto - -	ditto - -	ditto -	72 10 –	paid.
	Isabella Marshall	Miss M. Russell -	ditto - -	ditto -	28 – –	not paid.
	Jane Jenkins -	Preston - -	ditto - -	ditto -	43 6 8	paid.
	Alex. M'Lachlan -	Crescent - -	ditto - -	ditto -	32 – –	ditto.
	John Robinson -	Primmer Hall -	ditto - -	ditto -	23 6 8	ditto.
Nolan, James -	John Burnett -	Caswell Hill -	Vere - - -	prædial -	94 – –	not paid.
	Diana Hamilton & her two children.	Caley Estate -	St. Thos.-in-the-East	non-prædial	56 – –	paid.
	George Wilson -	E. M'Pherson -	Vere - - -	ditto -	100 – –	not paid.
	Richard Huggins	Mary Huggin -	ditto - -	ditto -	35 – –	paid.
	Jane Donaldson -	Baron Kettlehold	St. Andrew's -	ditto -	32 – –	not paid.
Oliver, Thomas M.	- - no valuations.					
Philp, Edw. D. -	Sarah Irving -	Nonpareil - -	Westmorland -	non-prædial	18 15 –	not paid.
	Elizabeth Dunbar	Neylesfield - -	ditto - -	ditto -	25 – –	paid.
	William Wagstaff	Hope Pond - -	ditto - -	ditto -	84 – –	not paid.
	Frederick Taylor	- - Estate of Mary Walcott.	ditto - -	ditto -	60 – –	ditto.
	Emelia Foot -	W. H. Kirlew -	ditto - -	ditto -	30 – –	paid.
Pack, Anthony -	- - no valuations.					
Pennell, R. C. -	Dorothy Stobbs -	Ulster Spring -	Trelawny - -	non-prædial	20 – –	paid.
	Thomas Julian -	Hyde - - -	ditto - -	ditto -	33 17 11	not paid.
	Emily Fergusson	Cath. Fergusson -	ditto - -	ditto -	38 17 10	paid.
	Charles Hopkins -	Long Pond -	ditto - -	ditto -	17 14 8	not paid.
Rawlinson, S. R. -	Catherine Clarke	Bell Air - -	St. Ann - -	prædial -	10 – –	paid.
	Henry Stobbs -	Horne Castle -	ditto - -	non-prædial	32 – –	ditto.
	Ben Walker -	Devon - -	ditto - -	ditto -	16 – –	ditto.
	Hannibal Rowling	- - Wm. Dyer, of Falmouth.	Trelawny - -	ditto -	15 – –	ditto.
	William Ash -	Antrim - -	St. Ann - -	ditto -	83 6 8	not paid.
Reynolds, John -	Mary Sims - -	- - Norfolk, Mr Davies, master.	St. Elizabeth -	prædial -	32 – –	paid.
	Mary Ann Slater	- - Potsdam, Mr. Cohen, master.	ditto - -	ditto	29 – –	ditto.
St. John, Richard -	- - no valuations.					
St. John, Lieutenant James H.	- - no valuations.					

(continued)

NAME of SPECIAL MAGISTRATE.	NAME of APPRENTICE.	ESTATE, or MASTER'S NAME.	PARISH.	CLASS.	VALUE. £. s. d.	IF PAID OR NOT.
Sowley, W. H. -	Benjamin Hinds -	Hiattsfield Estate	St. Ann's - -	prædial -	40 13 4	not paid.
	Mary Warder -	Great Pond Estate	ditto - -	non-prædial	40 11 3	ditto.
	J. Warder } mother	ditto - -	ditto - -	ditto -	40 11 3	paid.
	E. M'Cole } and two	ditto - -	ditto - -	ditto -	20 5 5	ditto.
	A. Sterling } children.	ditto - -	ditto - -	ditto -	20 5 5	not paid.
	Thomas Cole -	ditto - -	ditto - -	ditto -	35 9 7	ditto.
	John Jarvis - -	ditto - -	ditto - -	ditto -	28 7 11	ditto.
	Mary Goulding -	Hiattsfield Estate	ditto - -	prædial -	53 14 7	ditto.
	William Drewit -	ditto - -	ditto - -	non-prædial	32 - -	paid.
	Jesse M'Been -	Roaring River -	ditto - -	prædial -	13 6 8	ditto.
	Harriet Leech -	Southfield Estate	ditto - -	non-prædial	40 - -	not paid.
Thomas, Jos. W. -	- - no valuations.					
Welch, Arthur -	Charlotte Brooks	Mrs. Hewitt -	Manchester -	non-prædial	60 - -	paid.
Walsh, Henry -	Eleanor Walker -	Decoy Estate -	St. Mary - -	non-prædial	54 17 10	paid.
	William M'Lean -	ditto - -	ditto - -	prædial -	74 - -	not paid.
	Mary Crosman -	ditto - -	ditto - -	ditto -	74 - -	ditto.
	Joseph Norton -	Hon. Abm. Hodgson	ditto - -	ditto -	20 3 4	ditto.
	Eleanor Warner -	Russell Hall Estate	ditto - -	ditto -	52 - -	paid.
	Charles Collins -	Mango Valley -	ditto - -	non-prædial	130 - -	not paid.
Cocking, Ralph -	Margaret Anderson	Up Val Pen -	St. James - -	non-prædial	16 - -	paid.
	Susan Tims - -	Content Estate -	ditto - -	ditto -	32 - -	ditto.
Finlayson, Walter	Frances Walker -	H. Wate Plummer	St. James - -	non-prædial	35 - -	not paid.
	Amelia Scott	Miss Ricketts -	ditto - -	ditto -	32 - -	paid.
Bell, W. A. - -	- - Marg. Jane Sanderson.	Vauxhall Estate -	St. Elizabeth -	non-prædial	26 - -	paid.
	Marg Compass -	Two-mile Wood d°	ditto - -	prædial -	15 15 -	ditto.
	John Wm. Dawkin	Northampton Pen	ditto - -	ditto -	77 - -	ditto.
	Dugald Clarke -	Mexico Estate -	ditto - -	ditto -	29 3 4	not paid.
	Everlina Johnstone	Union ditto -	ditto - -	non-prædial	24 - -	ditto.
	Mary Wright -	Breadnut Valley d°	ditto - -	ditto -	28 - -	paid.
	James Roe -	Lancaster ditto -	ditto - -	prædial -	116 13 4	not paid.
Daughtrey, John -	Charlotte Smith -	Ipswich - -	St. Elizabeth -	prædial -	20 - -	not paid.
	Elizabeth Haldame	Hazel Grove -	ditto - -	non-prædial	32 - -	ditto.
Odell, John - -	William Monteith	Industry - -	Hanover - -	prædial -	33 17 10	paid.
	Mary Wilson -	Prospect - -	ditto - -	ditto -	30 10 -	ditto.
	Eleanor Baird -	Elizabeth Taylor, G. Island.	ditto - -	non-prædial	29 5 -	ditto.
Thompson, Dr. Rob.	- - no valuations.					
Pryce, Samuel -	Jane Jamieson -	Pembroke - -	Trelawny - -	ditto -	35 13 4	- - paid to George Marrett.
	Frederick Brown	ditto - -	ditto - -	- - prædial, attached.	68 12 3	not paid.
	Fred. E. Williams	ditto - -	ditto - -	ditto -	68 12 3	ditto.
	David Hogarth -	Garradu - -	ditto - -	non-prædial	16 13 4	ditto.
	Ann Smith - -	ditto - -	ditto - -	ditto -	31 5 -	ditto.
	Robert Green -	Phœnix - -	ditto - -	ditto -	16 - -	ditto.
	Jane Frazer -	Pembroke - -	ditto - -	- - prædial, attached.	34 4 11	- - paid to George Marrett.
	Ann Williams -	ditto - -	ditto - -	ditto -	37 13 8	not paid.
	Elizabeth Taylor	Belmont - -	ditto - -	non-prædial	31 5 -	ditto.
	Catherine Neilson	ditto - -	ditto - -	ditto -	10 8 4	ditto.
	Sarah Haynes -	Pantrepant - -	ditto - -	ditto -	20 - -	ditto, since dead.
	Marg. M'Cartney	Retreat - -	ditto - -	ditto -	15 6 8	ditto.
	Mary Howard -	ditto - -	ditto - -	ditto -	29 6 8	ditto.
	Elizabeth Muir -	Unity - -	ditto - -	ditto -	20 - -	- - paid to Alex. Brown.
Ramsay, William -	- - no valuations.					
Jones, T. W. -	- - no valuations.					
Cooper, Richard S.	Charlotte Reed -	Spring Estate -	St. James - -	prædial -	56 13 4	paid.
	Margaret Willford	- - C. W. Morris, receiver.	ditto - -	non-prædial	35 - -	ditto.
Baynes, Edw. D. -	- - no valuations.					
Fitzgerald, Rob. -	- - no valuations.					
Dawson, James K.	Sarah Walker -	Muirtown Estate	St. Thos.-in-the-East	non-prædial	30 - -	ditto.
	Henry Scott -	Elm Wood Estate	ditto - -	prædial -	20 - -	ditto.
				£.	1,153 19 3	

ABSTRACT of VALUATIONS of APPRENTICES in *Jamaica*, from 1st September to 31st December 1835.

NAME OF SPECIAL MAGISTRATE.	Total Valued.	Paid.	Not Paid.	NAME OF SPECIAL MAGISTRATE.	Total Valued.	Paid.	Not Paid.
Alley, W. H.	2	2	–	Hewitt, W.	2	2	
Cocking, R.	3	3	–	Lyon, E. B.	17	12	5
Davies, Thomas	29	15	14	Lambert, S. R.	4	4	–
Daughtrey, John	8	5	3	Daly, R.	2	2	–
Facey, R. B.	2	1	1	Connor, N. A.	5	5	–
Finlayson, Walter	13	9	4	Walsh, Henry	8	6	2
Gurley, John	2	–	2	Reynolds, J.	11	9	2
Hawkins, Charles	8	4	4	Thompson, R.	8	6	2
Harris, J. A.	6	1	5	St. John, R.	1	1	–
Hulme, J. R.	4	3	1	Gillam, Wm.	14	3	11
Kent, H.	4	1	3	Hamilton, E.	1	–	1
Langrishe, K. J.	1	1	–	Farrar, S.	3	3	–
Lloyd, Samuel	20	11	9	Laidlaw, H.	9	3	6
Moresby, H.	7	6	1	Odell, J.	3	3	–
Marlton, Wm.	13	6	7	Rawlinson, S.	16	10	6
Nolan, James	4	2	2	Pryce, S.	18	13	5
Oliver, Thomas M.	7	4	3	Fyfe, A. G.	4	2	2
Pennell, R. C.	7	5	2	Baynes, E. D.	3	2	1
Philp, E. D.	8	6	2	Woolfrys, J.	8	5	3
Thomas, J. R.	6	4	2	Sowley, W. H.	4	–	4
Baines, J. T.	1	1	–	Bell, W. A.	5	3	2
Dillon, T. A.	1	1	–				
Dawson, J. K.	4	2	2	TOTAL	216	193	123
Fishbourne, E. E.	10	6	4				

RETURN of VALUATIONS of APPRENTICES made by Special Magistrates, from 1st September to 31st December 1835.

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If paid or not.
ALLEY, W. H.:						
	W. Rawlins	Allsides, J. Davy, esq.	Manchester	prædial	50 13 4	paid.
	Richard Davy	—	—	non-prædial	51 13 4	—
CARNABY, W.:	no valuations.					
COCKING, R.:						
	Bessy Davies	Bellfield-estate	St. James	non-prædial	32 2 2¾	paid.
	Joseph Willocks	Somerton	—	prædial	12 7 6	—
	John Nevin	Castle Wemyss	—	non-prædial	29 15 10¾	—
DAVIES, THOMAS:						
	Sarah Borthe	Kemble Jackson	Trelawny	non-prædial	25 – –	not paid.
	Eliza Jackson	—	—	—	10 – –	—
	Frances Forsyth	Lottery	—	—	10 – –	paid J. Murray.
	Charles Corke	Orange-valley	—	prædial	26 – –	— Charles Fry.
	Ann Rickard	—	—	—	22 – –	—
	Catherine Dalby	George Hine	—	—	32 – –	not paid.
	Mary Anderson	Establishment of Sarah Anderson	—	non-prædial	29 – –	—
	Henry Munroe	George Monroe	—	—	37 – –	paid J. Kelly, esq.
	Peter Jones	Mrs. Doman	—	—	43 15 –	not paid.
	Samuel Atterbury	Hague	—	prædial	38 – –	—
	John Murray	Orange valley	—	non-prædial	11 – –	paid C. E. Fry.
	George Dawkins	—	—	—	11 – –	—
	George Hanlon	—	—	prædial	35 – –	—
	James Poor	M. D. Carvalho	—	non-prædial	36 – –	not paid.
	J. Sheppard	Dry-valley	—	prædial	35 – –	—
	Ellena Gray	Sarah Milbourne	—	non-prædial	25 – –	—
	Mary Rosearise	Orange-valley	—	—	12 – –	paid C. E. Fry.
	John Reed	Dromilly	—	—	36 – –	— James Reed.
	John Prickard	Orange-valley	—	prædial	80 – –	— C. E. Fry.
	Sarah	Catherine Scott	—	—	27 – –	not paid.
	Frances Summers	Roslin-castle	—	non-prædial	25 – –	paid Edw. Fedden.
	Diana Teniscie	Ann Stewart	—	—	23 – –	— Ann Stewart.
	William Monroe	George Monroe	—	—	30 – –	— J. Kelly, esq.

(*continued*)

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If Paid or not.
DAVIES, THOMAS – *continued.*						
	Mary Williams	Carrick Foyle	Trelawny	prædial	40 – –	not paid.
	Jane Campbell	Andrew Willis	—	non-prædial	27 – –	—
	Jane Russell	Ann Russell	—	—	27 – –	—
	Mary Steel	Mary Campbell	—	—	27 – –	—
	Elizabeth White	Sophia Barker	—	—	27 – –	paid S. Barker.
	Mary A. Ferguson	Green-park	—	prædial	28 – –	— W. Curry.
DAUGHTREY, JOHN :						
	Francis Wallis	- - Miss Thompson and Miss Dickenson.	St. Elizabeth	prædials	70 – –	paid.
	Evelina Wallis	" —	—	—		
	Clementa Wallis	" —	—	—		
	Eliza Colquhoun	Miss Mack	—	—	26 – –	not paid.
	Eliza Lawson	Mary Salmon	—	non-prædial	28 – –	—
	Mary Richards	" —	—	—	28 – –	—
	Sarah Cunningham	Glenburnie	—	—	34 5 –	paid.
	Robert Farquharson	Pepper	—	—	60 – –	—
FACEY, RICHARD B. :						
	Sally Matthis	Mears	Clarendon	prædial	56 – –	paid.
	Jane Durrant	Leicesterfield	—	—	56 – –	not paid.
FINLAYSON, WALTER :						
	Catherine Parr	- - W. C. Morris, Montego-bay.	St. James	non-prædial	36 18 6	not paid.
	Richard Samuels	Cinnamon-hill	—	prædial	80 – –	—
	Ann Wilson	Guildsbre	—	non-prædial	15 2 3	paid.
	Sarah Bowen	Retreat	—	—	24 7 10	—
	Ann Dawes	- - Miss Reed, Montego-bay.	—	—	29 10 –	not paid.
	Jane Maclar	Mr. Maclar	—	—	35 15 –	—
	Marian Grant	Miss Williams	—	prædial	38 – –	paid.
	Alexander Birch	" —	—	non-prædial	15 17 10	—
	Mary Ann J. Colebrooke	Tryall	—	—	23 9 5	—
	Sabina Nelson	Miss Findlater	—	—	34 18 4	—
	Susan Allen	Spring	—	—	9 – –	—
	Eliza Lawson	Miss Lawson	—	—	30 16 4	—
	Bessy Walker	Retreat	—	prædial	8 1 10	—
GURLY, JOHN :						
	Sarah Thomas	Seven-plantations	Clarendon	non-prædial	5 – –	not paid.
	Antony Power	New-ground	—	—	8 – –	—
HAWKINS, CHARLES :						
	William Campbell	Stewart castle	Trelawny	prædial	15 16 8	not paid.
	David Archer	Colchis	—	—	83 3 4	—
	Robert Clerk	Georgie	—	—	38 – –	paid.
	Lewis Grant	" —	—	—	65 – –	—
	John E. Cleark	Retirement	—	—	77 15 7	not paid.
	John Grant	Georgie	—	—	99 11 2	paid.
	Francis Lawson	Stutfield	—	—	18 3 4	—
	Nicholas Underhill	Friendship	—	—	38 10 10	not paid.
HARRIS, J. A. :						
	Charles Graham	Sullock	- - St. Thomas Vale.	prædial	128 17 9½	not paid.
	John Burton	Bybrook	—	—	62 4 5½	—
	Jane Thomas	" —	—	—	62 4 5½	—
	Jane Eliott	Mount Idalia	St. John	non-prædial	44 8 10¾	—
	Elizabeth Kelly	Treadways	- - St. Thomas Vale.	—	44 8 10¾	paid.
	William Edwards	William Ross	—	prædial	61 13 4	not paid.
HULME, J. R. :						
	Joan Clarke	F., at Hog-quarter	Hanover	non-prædial	23 16 8	paid.
	Mary Duflus	Round-hill	—	—	25 – –	—
	Christiana Watson	Haughton-court	- -	prædial	49 – –	not paid.
	W. Hutchinson	Flint-river	—	non-prædial	27 – –	paid.
JONES, WATKINS, J.	- no valuations.					
KELLY, DANIEL W.	- no valuations.					
WELCH, ARTHUR	- - no valuations.					

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If Paid or not.
KENT, H.:						
	James Roden	-- Epping-farm, St. David's.	St. David's	-- mechanic prædial.	57 3 4	not paid.
	Sarah Richards	- — -	—	prædial	49 4 6	paid.
	Joe Leslie	-- Mr. W. Duncan, of Green-valley.	Port Royal	non-prædial	51 11 —	not paid.
	Mary Palmer	Flamstead	—	prædial	56 — —	—
LANGRISHE, R. J.:						
	Jesse Williams	St. Jago estate	Clarendon	prædial	38 13 4	paid.
LLOYD, SAMUEL:						
	John Smith (boy)	Hope	St. Andrews	non-prædial	12 — —	paid.
	Bess Anderson	Maverley	—	—	17 — —	—
	Joseph Trim (boy)	William Ashburn	—	—	30 — —	not paid.
	Thomas Good	Waterhouse	—	-- mason, 6 years appren.	134 — —	—
	Charles Morgan	Mr. Moses	—	—	125 — —	—
	Adam Morgan	- — -	—	prædial	47 — —	believes paid.
	*Grace Rocket	John Thompson	—	non prædial	13 — —	paid.
	*Frances Rocket	- — -	—	—	27 — —	—
	Rachel Barnet	Mary T. Shaw	—	prædial	57 — —	not paid.
	Mary Golden	John Gordon	—	—	21 6 8	paid.
	Thomas Newlands	George Newlands	—	mason (old)	30 — —	—
	Sarah Burnell	Molynes	—	non-prædial	36 — —	not paid.
	Sally Brown	John Gordon	—	prædial	47 — —	paid.
	Eleanor Hemmings	- — -	—	—	47 — —	not paid.
	M. Barrow	Robert O'Hurn	—	non-prædial	30 — —	paid.
	Jane Brown	- — -	—	—	30 — —	not paid.
	C. W. Godson	W. B. Lawrence	Portland	—	25 — —	paid.
	Robert Rowland	Charlotte Bailey	St. Andrew's	prædial	58 — —	—
	Charles Clibbison	Henry Lowndes	—	coffee smith	114 — —	not paid.
	Isaac Miller	- — -	—	—	84 — —	—
ST. JOHN, Lieutenant	none.					
MORESBY, HENRY:						
	John Taylor	Taylor's Caymanas	St. Catherine	-- prædial H[d] driver.	120 — —	paid.
	George Guest	Twickenham-park	—	non-prædial	50 — —	—
	Henry Guest	- — -	—	—	30 — —	—
	P. Levett	William Gordon	—	—	16 — —	—
	Elizabeth Booryman	- — -	—	—	19 — —	—
	Ann Richards	W. P. French	Clarendon	—	40 — —	not paid.
	William Harrison	Miss Scott	St. Catherine	-- non-prædial, butcher.	45 — —	-- paid to sub-inspector Bennett.
MARLTON, WILLIAM:						
	Mary Frances	Albion	St. Mary's	-- prædial attached.	22 11 3	not paid.
	William Wilson	Cromwell	—	—	49 18 11	paid.
	Alexander Hamilton	Stony-field	—	-- prædial, unattached.	45 — —	not paid.
	Henrietta Stevenson	Frontier	—	-- prædial, attached.	45 — —	paid.
	Elizabeth Williams	- — -	—	non-prædial	33 — —	not paid.
	John Green	- — -	—	-- prædial, attached.	28 10 —	paid.
	Charlotte Cruickshank	Ballard's-valley	—	non-prædial	42 — —	—
	Richard Green	Whitehall	—	prædial	65 6 8	—
	Adeline Thompson	Trinity	—	-- prædial, attached.	32 — —	—
	Julian Jenkins	Bishop-mount	—	-- prædial, unattached.	48 18 —	not paid.
	Henrietta Gordon	- — -	—	—	18 6 8	—
	Cecilia Vidal	- — -	—	—	18 6 8	—
	James Sharp	Bellfield	—	-- prædial, attached.	76 7 9	—
NOLAN, JAMES:						
	John R. Parker	Brasilletto	Vere	non-prædial	46 13 4	not paid.
	Henrietta Banks	Morelands	—	—	24 17 9	paid.
	David Saunders	Hanberry-penn	Clarendon	prædial	80 — —	not paid.
	Juliana Black	Coat's-penn	—	non-prædial	20 13 4	paid.

(*continued*)

* Very young.

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If Paid or not.
OLIVER, THOMAS M.:						
	Susanna Box	Shrewsbury estate	Westmorland	non-prædial	25 6 8	paid Thomas M'Neil, esq.
	Elizabeth Rotten	Mount Edgcumbe	—	—	32 — —	—
	Dennis Pennock	—	—	prædial	50 — —	—
	Robert Davis	Mr. C. Graham	—	—	50 — —	not paid.
	Charles Beckford	Miss Met. Forbes	—	—	45 — —	—
	Philip Dehany	Dr. Gilpin	—	—	60 — —	—
	James Dehany	Mr. G. Cunningham	—	—	30 6 8	paid Mr. Cunningham.
PENNELL, R. C.:						
	Rosetta Ellis	Swanswick	Trelawny	prædial	39 — —	paid.
	Elizabeth Thompsons	Stonehenge	—	non-prædial	21 18 —	—
	Margaret Atkinson	Hyde	—	—	26 13 4	—
	John Gibson	—	—	prædial	31 2 3	not paid.
	Mary Hyatt	Jock's-lodge	—	—	37 6 8	paid.
	C. Weir	Sir S. Clarke	—	non-prædial	22 9 —	—
	Richard Bullock	—	—	—	22 9 —	not paid.
PHILP, E. D.:						
	Margaret Woolcock	Content	Westmorland	non-prædial	19 11 2	paid.
	Mary Fisher	King's-alley	—	prædial	30 — —	—
	Janet Drysdale	Mount Eagle	—	non-prædial	28 8 4	—
	James Heron	Hope-pen	—	—	26 — —	not paid.
	John Moore	Spring-garden	—	prædial	85 11 2	paid.
	Ann Dawn	Petersfield	—	non-prædial	26 13 4	—
	Elizabeth Curtis	Masemare	—	—	20 13 4	—
	Ann Guthri	Moreland	—	—	25 16 8	not paid.
RAMSAY, WILLIAM	none.					
THOMAS, JOHN RAWLINS:						
	Margaret Fencra	Esher estate	St. Mary	non-prædial	34 10 —	paid.
	Ellen Batty	Nonsuch	—	—	32 2 2¾	—
	Eleanor Graham	Cromwell	—	ditto, female	32 2 2¾	not paid.
	Margery Archer	Aleppo estate	—	prædial	51 11 1½	paid.
	Eleanor Gordon	—	—	—	51 11 1½	—
	Jane Bennett	Harmony-hall-pen	—	non-prædial	46 5 6¾	not paid.
BAINES, T. J.:						
	Rossewell Barrett	Lotosa	St. Thomas-in-the-East.	head cooper, prædial.	85 5 —	paid.
DILLON, T. A.;						
	Joseph Alexander	Alexandria	St. Ann's	prædial	55 — —	paid.
DUNNE, PATRICK	none.					
DAWSON, J. K.:						
	Elizabeth Panton	Elm-wood estate	St. Thomas-in-the-East.	prædial	32 6 8	not paid
	Rebekah Henry	T. Panton Steed	—	non-prædial	16 10 —	paid.
	Thomas Blakely	Spring-valley estate	—	prædial	95 — —	not paid.
	Neufville Fisher	Williamsfield	—	—	48 17 10	paid.
EMERY, ROBERT	none.					
ELLIOTT, Captain	none.					
FISHBOURNE, E. E.:						
	Sarah M'Kay	Hart-hill	St. George	non-prædial	34 10 —	paid.
	Murai Hart	Orange-valley	—	—	23 — —	—
	Sally Robinson	Windsor-castle	—	—	12 — —	—
	Amelia Burroughs	James Watson	—	prædial	41 8 1	—
	Cecilia Jenkins	Kildare	—	non-prædial	25 13 4	not paid.
	Eleanor Martin	Nancy Hamilton	—	—	38 — —	—
	Henry Burgess	Gray's-inn	—	prædial	124 8 1	paid.
	Cecilia Wallace	Dr. Robertson	—	non-prædial	29 6 8	—
	Mary Mason	—	—	—	10 — —	not paid.
	Eliza Smith	Fat-George-pen	—	prædial	45 16 8	—
HIGGINS, G. O.	none.					
HEWITT, WILLIAM:						
	Sarah Guscott	Spring-garden estate	St. George's	non-prædial	47 12 11	paid.
	Amelia Thompson	Lenox estate	—	prædial	46 13 4	—

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If Paid or not.
LYON, EDMUND B.:						
	Rebecca M'Lean	Garby & Hall	St. Thomas-in-the-East.	prædial	39 6 8	paid.
	Julian Hunter	Mount Vernon	—	—	32 13 4	—
	William Hill	Middleton	—	—	39 — —	—
	Margaret Rowley	Nuts-river	—	non-prædial	26 13 4	not paid.
	George Monroe	Dun-river	—	—	29 6 8	paid.
	Janet Darby	Dun Robin	—	—	29 6 8	—
	Robert Graham	Island Head	—	prædial	25 6 8	—
	George M'Kenzie	Palmetto-river	—	non-prædial	30 — —	not paid.
	Julian Robertson	Prospect-pen	—	—	31 13 4	paid.
	Justina Mowett	Belvidere	—	prædial	18 — —	—
	Catherine Willis	Prospect-pen	St. David	—	28 — —	not paid.
	Mary Williams	Petersfield	St. Thomas-in-the-East.	non-prædial	30 — —	paid.
	Jane Barrow	—	—	prædial	37 6 8	—
	Charles Hill	Middleton	—	—	46 13 4	not paid.
	Abraham Johnson	—	—	—	46 13 4	—
	Joseph Williams	—	—	—	46 13 4	paid.
	Margaret Ross	Ben Lomond	—	—	40 — —	—
LAMBERT, SYDNEY R.:						
	Mary Paterson	Rose-hill plantation.	St. Mary's	non-prædial	34 — —	—
	James Cockburn	New Ramble	—	prædial	35 8 11	—
	Lizzy Burke	Lewisberg estate	—	—	53 10 —	—
	Anne Jackson	Orange-river estate	—	non-prædial	25 — —	—
M'LEOD, ALEXANDER N.	none.					
DALY, R.:						
	Cornelia Brown	Peters Ville	Westmorland	1st prædial	37 10 —	—
	Ellen Stevenson	Houghton-grove	St. James	—	45 16 8	—
CONNOR, N. A.:						
	Eliza Thomas	A. Nunes	Kingston	non-prædial	14 11 1	—
	Ann Emanuel	A. Abrahams	—	—	66 — —	—
	Jane Sinclair	—	—	—	20 15 10	—
	Margaret Dias	—	—	—	15 13 4	—
	Helen Philips	F. Mayur	—	—	30 2 8	—
WALSH, HENRY:						
	Laticia Martin	P. S. Lynch	St. Mary's	prædial (sickly)	33 6 8	—
	William Syms	Derry estate	—	3d prædial	20 — —	—
	Kitty Abraham	Dorrington-castle	—	2d —	33 6 8	—
	Lavinia Fitzmaurice	Industry estate	—	1st —	69 4 3	not paid.
	Frances Cox	Tweed-side	—	1st —	69 4 3	—
	Penelope Pinnock	Tower-hill	—	3d non-prædial	19 5 —	paid.
	Thomas Richards	Miss Ann Gartway	—	1st prædial	56 — —	—
	George Ellis	Henry Rigg	—	3d —	18 13 4	—
REYNOLDS, J.:						
	Henry Foster	Hounslow-pen	St. Elizabeth	non-prædial	67 — —	—
	Richard Thomas	Malvern-well-pen	—	prædial	45 16 8	not paid.
	Eliza Moyan	Doncaster	—	—	19 — —	—
	Maria Earl	Pepper-pen	—	non-prædial	30 — —	paid.
	Mary Ann Slater	Potsdam	—	prædial	29 — —	—
	Eliza James and Elizabeth James	Williamfield-pen	—	prædial / non-prædial	37 — —	—
	Harriett Montagu	Chelsea	—	—	25 — —	—
	Maria Banyan and her two female children.	Potsdam	—	prædial	60 — —	—
THOMPSON, ROBERT:						
	Bill Fleming	Wild's estate	Trelawny	non-prædial	24 13 4	not paid.
	John Stewart	—	—	—	6 — —	—
	Elizabeth M'Intosh	Floyd's Lodge	Westmorland	prædial	32 — —	paid.
	Amelia M'Intosh	—	—	—	38 — —	—
	Charles Small	Mount Vernon	St. James	non-prædial	54 — —	—
	Eliza E. Jarmane	Robert Dewar	—	—	24 — —	—
	Wm. A. Atkinson	—	—	—	9 4 11	—
	Mary Ann Watt	Greenwich	Hanover	prædial	43 18 10	—

(continued)

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £.	s.	d.	If Paid or not.
ST. JOHN, RICHARD:								
	Frances Sterling	Orange Vale	St. George		30	–	–	paid.
GILLAM, WILLIAM:								
	Edward Barnes	Patey, Sewell & Co.	Kingston	mariner	49	10	–	unpaid.
	Richard Barnes	—	—	non-prædials	40	–	–	—
	James Bogle	—	—	—	45	–	–	—
	Lewis Hester	C. M'Glashan	—	—	40	–	–	—
	William Forbes	C. J. Maddix	—	—	60	–	–	—
	Louisa Angel	Allen Laripp	—	—	31	15	7	—
	Molly Nicholson	Thomas Morris	—	—	22	–	–	—
	Chloe Williams	L. Campbell	—	—	11	–	–	paid.
	John Bean	Ann Lundy	—	—	46	–	–	unpaid.
	Eliza Shaw	M. P. Da Costa	—	—	25	–	–	paid.
	John Osborn	W. H. Harrison	—	—	38	10	3	unpaid.
	Jane Yates and Eliza Bartlett, daughter of J. Yates.	R. B. Parry	St David's	prædials	54	–	–	—
	Mary Ann Thomas	Susannah Coakley	Kingston	non-prædial	25	–	–	paid.
HAMILTON, C.:								
	Subina Lake	Pen-hill-plantation	Port Royal	—	31	–	–	unpaid.
FARRAR, SIMEON:								
	Annie Miller	Montpelier	St. James	prædial	61	4	–	paid.
	Catherine Price	—	—	non-prædial	26	–	–	—
	Rebecca Taylor	Houghton-grove-pen.	Hanover	prædial	47	1	8	—
LAIDLAW, HENRY:								
	Elenor Sterling	Mrs. Ferguson	St. Ann	—	42	5	–	—
	Fanny Dighton	Faith-pen	—	non-prædial	25	–	–	—
	James Wilson	Phœnix-park	—	prædial	106	–	–	not paid.
	Susanna Jackson	—	—	—	49	15	7	—
	Nancy Brown	Lavinia Hutchinson	—	non-prædial	28	8	9	—
	Susan Mayhew	Faith-pen	—	prædial	52	17	10	—
	Nelly Morris	Unity-valley	—	non-prædial	29	18	11	paid.
	Lavinia Howard	—	—	prædial	47	7	3	not paid.
	William Minot	Concord	—	—	55	–	–	—
ODELL, J.:								
	Eliza Patterson	Salt-spring	Salt-spring	non-prædial	15	6	8	paid.
	Alick Afflick	—	—	—	12	–	–	—
	Dougald Campbell	—	—	—	18	–	–	—
RAWLINSON, J.:								
	Euphemia Simes	Sarah Nott	St. Ann	—	32	–	–	—
	George S. Menell	Dunbarton	—	prædial	110	16	8	—
	Susan Lynch	—	—	—	47	10	–	—
	Susan Hawthorn	Miss Elliscoe	—	—	23	6	8	—
	Frances Reynolds	Belle Air	—	—	19	–	–	not paid.
	Bessy	Eliza Fraser	—	non-prædial	55	–	–	paid.
	Eliza Reid	—	—	—	34	13	4	—
	Jannett Gordon	Home-castle	—	prædial	38	–	–	—
	Mary M'Intire	Donnock	—	—	28	10	–	not paid.
	Ann Howard	Tobolske	—	—	41	–	–	paid.
	Amelia	Sarah Nott	—	non-prædial	53	10	–	not paid.
	Sarah James	Valley-Muroe	—	prædial	46	13	4	—
	Phœbe Palmer	Muirhouse	—	—	46	13	4	paid.
	Ann James	Belle Air	—	—	44	–	–	not paid.
	James M'Cook	Kapdale	—	—	5	–	–	paid.
	Mary Fellerton	Orange-valley	—	—	36	–	–	not paid.
PRYCE, S.:								
	Maria Somerville	York	Trelawny	non-prædial	25	–	–	—
	Anne Williams	Covery	—	prædial	35	–	–	paid.
	Elizabeth Houston	Golden-grove	—	non-prædial	23	–	–	—
	Henrietta Campbell	Chester	—	—	28	15	–	not paid.
	Donald M'Donald	Fontabelle	—	—	26	13	4	paid.
	Thomas Dixon	Windioo	—	prædial	70	–	–	not paid.
	John Gallimore	Belmont	—	—	70	–	–	—
	Frances Junes	Pembroke	—	—	35	–	–	—
	Eleanor Burke	Phœnix	—	non-prædial	19	–	–	paid.
	Isaac Rowland	Reserve	—	—	16	–	–	—
	John Dexter	Bounty-hall	—	—	28	–	–	—
	Charles Downmaid	Good Hope	—	—	18	–	–	—
	Charles Moore	Retreat	—	prædial	21	–	–	—
	Mary Henderson	Reserve	—	non-prædial	26	13	4	—

Name of Special Magistrate.	Name of Apprentice.	Estate, or Master's Name.	PARISH.	CLASS.	VALUE. £. s. d.	If paid or not.
PRYCE, S.—*continued.*						
	Catherine Jameson	Pembroke	Trelawny	non-prædial	28 10 –	paid.
	Rebecca Moncrieff	—	—	—	13 15 –	—
	James Gudwood	Good Hope	—	—	15 – –	—
	Jane Fraser	Pembroke	—	prædial	30 – –	—
FYFE, A. G.:						
	William Bryan	J. Purden	Portland	non-prædial	28 10 –	unpaid.
	Mary Main	Cold-harbour	—	—	28 – –	—
	Maria Crogman	Papley-garden	—	—	36 2 3	paid.
	Peter Murray	R. Sherwood	—	non-prædial, a mason.	54 3 4	—
BAYNES, E. D.:						
	Julian Fuller	William Coleman	St. John's	prædial, attached.	56 – –	—
	Henry Wilson	—	—	—	51 6 8	—
	Thomas Richards	—	—	—	35 – –	unpaid.
WOOLFRYS, J.:						
	Mary Ann Walker	Shaw-park	St. Ann	non-prædial	32 5 2	paid.
	Sally Hadeway Wilson	Mount Plenty	—	prædial	47 10 –	—
	Phillis Golding	Twickenham-park	—	—	31 13 4	—
	Mary A. Whitehorne	Thicket	—	non-prædial	58 3 4	—
	Thomas Kelly	Castle Daly	—	prædial	155 11 2	—
	Elizabeth Allen	Shaw-park	—	non-prædial	53 6 8	not paid.
	John Joseph	—	—	prædial	46 13 4	—
	Catherine Dewerxen	Breadnut-hill	—	—	48 18 4	part paid.
SOWLEY, W. H.:						
	John Palmer	Mr. Higginbottom	St. Ann's	—	74 10 9	not paid.
	Ann Ruffy	Miss Clark	—	non-prædial	36 13 4	—
	William Walker	Windsor estate	—	prædial	62 4 6	—
	An. D. M'Cook	W. L. M'Cook	—	non-prædial	22 17 11	—
BELL, W. A.:						
	Ann Monteath	Mexico estate	St. Elizabeth	1st prædial	83 6 8	—
	Jane Salmon	Tyre	—	—	73 15 –	paid.
	Dav. Anderson	Bagdale	—	tradesman, prædial.	110 16 8	—
	James Anderson	—	—	—	110 16 8	—
	C. W. Dickenson	Island estate	—	non-prædial	18 6 8	not paid.

ABSTRACT of VALUATIONS of APPRENTICED LABOURERS, 1st January to 31st March 1836.

NAMES OF MAGISTRATES.	Total Valued.	Paid.	Not paid.	NAMES OF MAGISTRATES.	Total Valued.	Paid.	Not paid.
Baynes, E. D.	4	4	–	Fishbourne, E. E.	6	2	4
Davies, Thomas	11	7	4	Finlayson, W.	10	4	6
Gordon, George	1	–	1	Fyfe, A. G.	7	7	–
Lloyd, Samuel	9	7	2	Grant, J. W.	1	–	1
Thompson, Robert	21	16	5	Hewitt, William	2	2	–
Moresby, H.	9	8	1	Harris, James	11	6	5
Thomas, J. R.	16	14	2	Higgins, G. O.	5	3	2
Kent, Henry	4	2	2	Laidlaw, Henry	7	6	1
Hamilton, C.	3	2	1	Odell, J.	3	2	1
Daughtrey, John	2	–	2	Philp, E. D.	21	17	4
Cooper, R. S.	8	5	3	Reynolds, J.	5	5	–
Carnaby, William	9	6	3	St. John, J. H.	1	1	–
Bell, W. A.	7	7	–	Sowley, W. H.	5	3	2
Woolfrys, John	4	4	–	Walsh, Henry	10	6	4
Nolan, James	12	7	5	Welch, A.	7	7	–
Dunne, Patrick	15	6	9	Willis, George	6	5	1
Hulme, J. R.	19	7	12	Alley, W. H.	4	4	–
Hawkins, Charles	11	9	2	Lyon, E. B.	22	20	2
Marlton, W. F.	19	9	10	Jones, T. W.	8	–	8
Kelly, D. W.	8	7	1	M'Leod, A. N.	1	1	–
Pryce, Samuel	16	10	6	Facey, R. B.	8	5	3
Rawlinson, S.	6	5	1	Gurley, John	5	4	1
Bourne, S.	5	2	3				
Cocking, R.	4	3	1		385	261	124
Dillon, T. A.	6	4	2				
Dawson, J. K.	1	–	1			385	

RETURNS of VALUATIONS of APPRENTICESHIP made by the Special Magistrates, from 1st January to 31st March 1836.

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Next Value Awarded. £. s. d.	If Paid or not.
BAYNES, E. D.:						
	Catherine M'Culloch	Mountain-river	St. John	non-prædial	42 – –	paid.
	Louisa A. Fisher	Mount-pleasant	—	—	27 6 8	—
	Ann Tulloch	Sarah Aswill	—	—	11 13 4	—
	Robert Tull	—	—	—	11 13 4	—
DAVIES, THOMAS:						
	Sarah Jackson	Tramolesworth	St. Mary's	prædial	44 – –	paid.
	William Jacks	Clonmell	—	—	33 – –	—
	Helen Jacks	—	—	—	33 – –	—
	Margaret Hislop	Nonsuch	—	non-prædial	20 – –	not paid.
	Daniel Leish	Moore-hall	—	—	30 – –	—
	Henry Moore	—	—	prædial	25 – –	—
	Elizabeth Greenland	Agualta-vale estate	—	non-prædial	15 – –	paid.
	Mary Green	Nonsuch	—	prædial	40 – –	not paid.
	Elsie Clarke	Islington	—	—	24 – –	paid.
	Ann Roper	Eliza M'Farlane	—	—	20 – –	—
	Susanna Roper	—	—	—	20 – –	—
GORDON, GEORGE, Jun.:						
	James Johnson	Leicester-field estate	Clarendon	—	182 – –	not paid.
LLOYD, SAMUEL:						
	Elizabeth Satterall	Cedar-valley	St. Andrew	—	39 – –	paid.
	Sally Roberts	Arabella Booth	—	non-prædial	25 – –	—
	Daniel	Rev. A. Campbell	—	—	20 – –	not paid.
	Thomas Mure	Joseph Gordon	—	prædial	26 13 4	paid.
	Lucy Campbell	Temple hall	—	—	44 – –	—
	Anne Daly	John Mais	—	—	35 – –	—
	Fancy Ponnet	—	—	—	15 – –	—
	Susanna Brown	Joseph Gordon	—	—	20 – –	—
	Milly Morgan	John Mais	—	—	43 6 8	not paid.
THOMPSON, ROBERT:						
	Susan Williams	Salt-spring-pen	St. Elizabeth	non-prædial	30 – –	paid.
	Isabella Smith	Fonthill estate	—	—	30 – –	—
	Harriet Royal	Luana-pen	—	prædial	32 – –	—
	Amelia A. S. James	Newell-pen	—	non-prædial	30 – –	—
	John Tennant	J. W. Scarlett	—	—	50 – –	—
	Peter Tennant	—	—	—	25 – –	—
	Henry Tennant	—	—	—	25 – –	—
	Mary Jones	—	—	—	20 – –	—
	Joseph Corat	—	—	—	15 – –	—
	Francis Tennant	—	—	—	33 – –	not paid.
	Catherine Watson	—	—	—	20 – –	—
	Thomas Daly	Thomas Bennett	—	prædial	44 3 4	paid.
	Henry Palmer	—	—	—	44 3 4	—
	Mary Bennett	—	—	—	32 – –	—
	Francis Campbell	Isaac Levy	—	—	30 – –	not paid.
	Susan Gibbs	—	—	—	30 – –	—
	James Dennis	Salt-spring-pen	—	—	60 – –	paid.
	James Gale	—	—	—	23 7 11	—
	Mary	John M'Intyre	—	non-prædial	19 6 8	—
	Jack	—	—	—	16 8 9	—
	Henrietta	Francis Sandcroft	—	—	21 – –	not paid.
MORESBY, HENRY:						
	Mrs. Warren	Mr. Tongue	St. Catherine	domestic	44 – –	paid.
	Priscilla	Nancy Skyers	—	—	25 – –	—
	Allen Mitchell	Ellis Caymanas	—	-- h[d] watchman.	77 – –	—
	Elizabeth Wiltshire	Mr. Mather	Kingston	domestic	16 – –	—
	Eliza M'Farlane	M. Mordecai	—	—	20 – –	not paid.
	Nelly Byfield	Robert Graham	—	—	20 – –	paid.
	Edward Edie	Johanna Roberts	Port Royal	prædial	50 – –	—
	Mary A. Holditt	J. P. Da Costa	Kingston	domestic	5 6 8	—
	Elsy W. Frankson	J. Martindale	—	—	– 10 –	—
THOMAS, J. R.:						
	Mary Ann Arnold	Orange-valley	Trelawny	prædial att.	21 9 –	paid.
	George W. Ricketts	Eliz. Clarke, Falmouth	—	non-prædial	– 5 –	—

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
THOMAS, J. R.—*continued.*						
	George Spence	Jane Campbell	Trelawny	non-prædial	30 – –	paid.
	Rachael Winter	Irving Tower	—	—	15 – –	not paid.
	Chr. Cunningham	Roslin-castle	—	prædial att.	36 – –	paid.
	Richard Brown	Carrick-foyle	—	—	48 – –	not paid.
	Eliza Reid	Epsom-pen	—	—	34 – –	paid.
	Sarah White	Oxford	—	non-prædial	19 6 8	—
	Elizabeth Wood	Hague	—	—	10 – –	—
	George Tenison	R. Davis, Falmouth	—	—	40 – –	—
	Rebecca Williams	J. Davis, Lichfield-pen	—	—	13 6 8	—
	Samuel Meredith	W. R. Grizzle	—	—	25 – –	—
	Robert Clarke	Miss Judith S. Hine	—	—	42 – –	—
	Susan Richard	Orange-valley	—	—	23 6 8	—
	Mary Jenkins	Hampshire-pen	—	—	30 – –	—
	Margaret Blair	Louisa Ellis, Falmouth	—	—	15 – –	—
KENT, HENRY:						
	Maria Rock	Mount-Teviot	St. David	non-prædial	34 6 8	paid.
	Samuel Barnett	Mount Hybla	Port Royal	prædial	50 1 1	not paid.
	Rosanna Gardiner	Chester-vale	—	—	20 12 3	paid.
	Mary Sumbey	Clifton-mount	St. Andrew	—	53 – –	not paid.
HAMILTON, C.:						
	Ann Devaney	Green-valley	Port Royal	prædial	26 13 11¾	paid.
	Ann Rodney	Sarah S. Dickson	St. David	—	38 – –	not paid.
	Rosanna Watson	Little Hope	Port Royal	—	29 – 7	paid.
DAUGHTREY, JOHN:						
	James Williams	Brighton	St. Elizabeth	prædial, carpenter.	60 – –	not paid.
	Catherine Urquhart	Longwood	—	prædial	45 – –	—
COOPER, R. S.:						
	William Charles Morris	Anthony Davis	Hanover	prædial	78 – –	paid.
	Richard Innes	Green-river estate	—	—	18 18 4	—
	Rachael Myrie	—	—	—	59 15 7	not paid.
	Mary Munroe	—	—	non-prædial	6 12 6	paid.
	Eliza Brown	Industry estate	—	prædial	20 18 4	not paid.
	Phillippa Lawrence	Eardley	—	—	20 18 4	—
	Alexander Fraser	Prospect	—	non-prædial	16 2 2½	paid.
	Jane Morrison	Eardley	—	—	15 – –	—
CARNABY, WILLIAM:						
	Mary Reed	Worcester estate	St. James	non-prædial	33 4 6	paid.
	Humphry Dodd	Hampton	—	prædial att^{d}	90 – –	not paid.
	Eliza Hall	Irwin	—	—	46 1 4	paid.
	John Lynch	Hampton	—	prædial and carpenter.	84 2 3	—
	George King	Heirs of Thos. Pedlar	—	prædial unatt^{d}	41 4 6	—
	Susan Martyn	Irwin estate	—	non-prædial	25 6 8	—
	Rosey Kerr	Hugh Patrick, Bull estate.	—	non-prædial, under 12.	6 17 2	—
	Eliza Morris	Mrs. John Evans	—	non-prædial	27 18 6	not paid.
	Joseph Bowen	Joseph Bowen, esq.	—	—	31 6 3	—
BELL, WM. ANTHONY:						
	Christiana Robertson	Barton estate	St. Elizabeth	non-prædial	20 – –	paid.
	Margaret Robertson	—	—	—	23 6 8	—
	Rosey Rankin	—	—	—	1 13 4	—
	Jane Taylor	Lancaster estate	—	—	13 6 8	—
	Evelina Dunkley	Miss Vassal	—	—	11 16 8	—
	Rachael Eaton	Mexico estate	—	prædial att^{d}	9 – –	—
	Robert Roa	Margaret Roe	—	non-prædial	arrangement.	
WOOLFRYS, JOHN:						
	Elizabeth Reid	Robert F. Coombs	St. Ann	prædial	47 2 3	paid.
	Mary Perkins	Castle-Daly	—	—	47 2 3	—
	Ann Vernon	Belmont	—	non-prædial	50 15 –	—
	George Vernon	—	—	prædial	17 13 4	—
NOLAN, JAMES:						
	Elizabeth Lewin	Braziletto	Vere	prædial	20 – –	paid.
	Juliana Ann Ward	River-side	—	non-prædial	30 – –	—
	Ann Denny	Amity-hall	—	—	16 13 4	—
	Elizabeth Goulding	Springfield	—	prædial	60 – –	—
	Arabella M'Niel	Ashley-hall	—	non-prædial	50 – –	—
	Nancy Henry	Bog	—	prædial	64 – –	not paid.

(*continued*)

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
NOLAN, JAMES—*continued.*						
	Edward Bennett	Pusey-hall	Vere	non-prædial	56 – –	paid.
	Henry Lewin	Sutton's-pasture	—	prædial	78 – –	not paid.
	Mary Ann Donaldson	Bog	—	non-prædial	43 – –	—
	Sophia Charlton	Paradise	—	prædial	70 – –	paid.
	Nelson Harris	Caswell-hill	—	—	102 – –	not paid.
	Peter Ambler	Amity-hall	—	—	64 – –	—
DUNNE, PATRICK:						
	Jane Holgate	Leith-hall estate	St. Thomas-in-the-East.	non-prædial	33 6 8	not paid.
	Cecilia Fisher	Eolus-valley	St. David	—	33 6 8	paid.
	Susanna Carr	—	—	prædial	45 – –	—
	Henry Wilkie	Robert Law	—	non-prædial	28 19 9½	—
	Violet Wilkie	—	—	—	20 – –	—
	W. H. Scudder	Norris's estate	—	—	16 – –	—
	Ellen Brands	Reserve	Trelawny	—	16 2 3	—
	Francis Walker	Belle Clair estate	St. David's	prædial	35 6 8	not paid.
	Eleanor Walker	—	—	—	47 2 4	—
	Andrew Campbell	—	—	— carpr	84 10 –	—
	James Wilson	Richmond-vale estate	—	—mason	84 10 –	—
	George Harper	—	—	—	52 – –	—
	Priscilla Rae	—	—	—	28 17 9	—
	Martha Burger	—	—	—	49 2 3	—
	Charles Harper	—	—	—	23 2 3	—
HULME, J. R.:						
	Susan Pickering	Cousin's-cove	Hanover	non-prædial	27 – –	not paid.
	Walter Barnes	Tryall	—	prædial	76 – –	—
	Sarah Hobson	Barbican	—	non-prædial	27 – –	paid.
	Duncan Cameron	Retrieve, old works	—	—	20 – –	—
	Susan Young	Point	—	prædial	58 10 –	not paid.
	Phillis Reid	G. R. Johnson, esq.	—	non-prædial	33 6 8	—
	Mary Dehaney	Kew	—	prædial	39 – –	paid.
	Rebecca Mason	Woodchurch	—	non-prædial	30 – –	—
	Elizabeth Sultan	—	—	—	11 – –	—
	Edward Chambers	Prosper	—	—	33 6 8	—
	William Chisholm	Bachelor's-hall	—	—	14 8 11	not paid.
	A. Chisholm	—	—	—	14 8 11	—
	J. B. Chisholm	—	—	—	11 – –	—
	Robert Chisholm	—	—	—	11 – –	—
	E. C. Bower	—	—	—	11 – –	—
	Jane Cameron	Retrieve, old works	—	—	29 – –	—
	Abigail Lyon	Haughton-court	—	—	29 – –	—
	Rebecca Allan	Georgia	—	prædial	28 – –	—
	William Cowan	Fat-hog quarter	—	non-prædial	9 13 4	paid.
HAWKINS, CHARLES:						
	John James	Lancaster	Trelawny	non-prædial	36 – –	paid.
	Richard	Mahogany-hall	—	—	17 17 10	—
	Julian Carr	Dover-castle	—	—	26 13 4	not paid.
	James Gardner	Georgia	—	—	41 13 4	—
	Alexander Rattray	Braco	—	prædial	73 6 8	paid.
	Mary A. Murdoch	Stewart-Castle	—	non-prædial	24 11 8	—
	John Cooper	Miss Cooper	—	prædial	58 17 3	—
	Rosetta Sadling	Hyde estate	—	—	47 18 11	—
	John Bainbridge	Arcadia	—	—	103 14 9	—
	Jane Gentile	Nightingale-grove	—	non-prædial	24 11 8	—
	Elizabeth Giles	—	—	prædial	49 18 4	—
MARLTON, WILLIAM F.:						
	Julian Wilson	Jane Ewers	St. Mary	non-prædial	24 – –	not paid.
	Jane Oldaker	Albion	—	—	29 – –	paid.
	Henry Forbes	Richmond-green	—	prædial unattd	54 – –	not paid.
	Frances Murray	—	—	—	42 – –	—
	Sarah Ellison	Wm. A. Clements	—	non-prædial	26 13 4	—
	Milly Taylor	New-hall	—	—	19 6 8	paid.
	Jane Moncrieffe	—	—	—	29 – –	—
	Amelia Moncrieffe	—	—	—	29 – –	—
	Bella Cameron	—	—	—	16 2 3	—
	Robert Cameron	—	—	—	16 2 3	—
	Harriet Quinlan	Wentworth	—	prædial attd	25 10 –	not paid.
	Patience Hamlet	—	—	—	37 11 1½	—
	Sarah Naggs	—	—	—	17 6 8	paid.
	Eleanor Brown	Pemberton-valley	—	non-prædial	18 13 4	—
	Peter Neil	—	—	prædial attd	92 8 11	not paid.

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
MARLTON, WILLIAM F.—*continued.*						
	Annetta Montague	Wilderness	St. Mary	non-prædial	21 15 7	not paid.
	Phyllis Williams	Oxford	—	prædial att^{d}	40 8 11	paid.
	John Williams	—	—	—	60 13 4	not paid.
	Patrick Lewis Northover	—	—	—	28 17 9½	—
KELLY, DE WINDER:						
	Ellen M'Donald	Glenburnie	Westmorland	non-prædial	25 10 –	paid.
	Eleanor Tomlinson	James Tomlinson	—	prædial	27 10 –	—
	Alic Davis	Henry G. Groves	—	—	8 16 8	—
	Edward Clarke	Clifden	—	prædial att^{d}	42 18 8	—
	Sarah Samuels	Industry	—	—	38 10 4	not paid.
	Charles Beckford	Ashton	—	—	38 12 8	paid.
	Ann White	Paradise	—	—	39 15 7	—
	Ann Rotten	Mount Edgecumbe	—	non-prædial	17 2 3	—
PRYCE, SAMUEL:						
	Elizabeth M'Donald	Schawfield	Trelawny	non-prædial	22 – –	paid.
	Mary Brown	—	—	prædial	33 – –	—
	Maria Spencer	Cambridge	—	non prædial	25 – –	—
	Catherine Brown	Chester	—	—	20 – –	—
	Maria Simpson	Fontabella	—	prædial	32 – –	not paid.
	Ann Leith	Golden-grove	—	non-prædial	22 16 8	—
	Eliza Ann Morris	Unity	—	—	16 13 4	paid.
	Eliza Innis	Hope	—	—	15 – –	not paid.
	Sarah Bruce	Tilston	—	—	10 13 4	paid.
	John Clarke	Fat-hog quarter	Hanover	—	22 10 –	—
	Mary Ann Forsyth	Pantre-pant	Trelawny	—	24 – –	—
	Caroline Burnett	Coffee-hall	—	—	35 – –	—
	Ann Palmer	Hampstead	—	—	12 – –	—
	Mary Gordon	Reserve	—	—	29 – –	not paid.
	Eliza Dillard	Friendship	—	—	23 15 –	—
	Henry White	Peru	—	—	40 16 8	—
RAWLINSON, STANLEY:						
	James Walker	Richard-hill	St. Ann	non-prædial	65 – –	paid.
	William Grant	Coffee-grove	—	prædial	60 – –	—
	Peter William Atkinson	Penshurst	—	—	63 15 11	—
	Richard Brown	Hopewell	—	—	58 17 10	not paid.
	Elsie Gordon	Joseph Isaacs	—	non-prædial	32 4 5	paid.
	Isabella	Tobolski	—	prædial	7 17 –	—
BOURNE, STEPHEN:						
	Agnes Davis	Pleasant-hill, or Mothersills.	St. Andrew	prædial att^{d}	58 10 –	not paid.
	Jane Sinclair	—	—	—	30 – –	—
	Joe Walker	—	—	—	36 – –	—
	Jeannette Barnett	Trafalgar	Port Royal	—	20 – –	paid.
	William Lowe	Violet-bank	—	non-prædial	18 6 8	—
COCKING, RALPH:						
	Mary Scoan	Adelphi	St. James	non-prædial	20 – –	paid.
	Margaret Ramsay	Windsor	—	—	10 – –	—
	John Walker	Lima	—	prædial	60 – –	—
	Hugh Gordon	—	—	—	59 8 10¾	not paid.
DILLON, T. A.:						
	John Hogg	Devon	St. Ann	prædial	36 – –	paid.
	Alexander	Owens	—	non-prædial	8 17 10	—
	John Williams	Cullodens	—	prædial	86 6 8	– – 68 *l.* deposited with special justice.
	William Sims	—	—	—	74 3 4	not paid.
	Rosanna Harrison	Borobridge	—	—	53 – –	paid.
	Henry Tracy	Retirement	—	non-prædial	28 – –	not paid.
DAWSON, J. K.:						
	William Grant	Grange-hill-pen	St. Thomas-in-the-East.	prædial	73 12 3	not paid.
FISHBOURNE, E. E.:						
	Janetta Kirkpatrick	Orange-vale	St. George	prædial	22 10 –	paid.
	Amy Clarke	Windsor-castle	—	—	12 – –	– –
	Theodore Wright	Osborne	—	non-prædial	12 10 –	not paid.
	Samuel Hynes	Reddington	—	prædial	60 – –	– –
	Eleanor Williams, or Allen	Harmony-hill	—	—	61 16 8	—
	Mary Allen	Hermitage	—	non-prædial	48 6 8	—

(*continued*)

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
FINLAYSON, WALTER:						
	William Fisher	John Henry Deffell	St. James	non-prædial	42 2 6	not paid.
	Simon Finchett	Miss Finchett	—	—	53 7 9	paid.
	Charlotte Wilson	Miss H. Murray	—	prædial	48 — —	not paid.
	Ann Grizzle	Miss Sill	—	non-prædial	20 16 8	—
	Emily Bowen	Retreat	—	—	21 13 4	paid.
	Thomas Bartiboe	Mrs. Coates	—	—	42 4 6	not paid.
	Elizabeth Ball	J. H. James	—	—	33 1 2	—
	Mary Wynn	H. G. M'Pherson	—	prædial	31 15 7	—
	Walter Minto	Phœnix	Hanover	non-prædial	10 2 3	paid.
	Eliza Walker	Miss Sill	St. James	—	34 14 3	—
FYFE, A. G.:						
	Elizabeth Jones	Prospect	Portland	prædial	15 4 2	—
	Tartley Atley	— — —	—	—	15 4 2	—
	Elizabeth Steel	Richard King	—	—	36 — —	—
	Samuel Mendes	Norwich	—	—	21 1 8	—
	Tibby Passley	— — —	—	—	58 17 9½	—
	Maria Haddon	Unity	—	non-prædial	21 15 —	—
	Henry Haddon	— — —	—	—	40 5 8	—
GRANT, J. W.:						
	Susan Beckett	Mexico estate	St. Elizabeth	—	30 — —	not paid.
HEWITT, WILLIAM:						
	John Bingley	Benjamin Crossley	St. George	—	9 6 8	paid.
	Benjamin Bingley	— — —	—	—	5 8 11½	—
HARRIS, JAMES:						
	Elizabeth Aldred	Riverhead	St. Thomas-in-the-Vale.	non-prædial	34 8 10¾	not paid.
	Christian Brown	— — —	—	prædial	24 8 10¾	paid.
	George Davidson	Wallens	—	—	230 11 9	not paid.
	Elizabeth Barton	Rio Magna	—	non-prædial	33 17 9½	paid.
	Thomas Stewart	Bybrook	—	prædial	20 14 9¾	—
	Thomas Johnson	Coldington	—	—	73 12 2¾	not paid.
	Jessy Johnson	Knollis	—	non-prædial	39 11 8	—
	Sally Gilbert	Hyde	—	—	31 2 2¾	—
	Rosanna Thomas	Muse	—	prædial	92 8 10¾	paid.
	Ann Pollock	Airy-mount	—	—	43 6 8	—
	Maria Roach	Robert Roach	—	—	gift.	
HIGGINS, GEORGE O.:						
	Ann Chrystie	Waltham	Manchester	non-prædial	26 13 4	—
	Christiana Waugh	Melrose	—	—	37 10 —	—
	Mary Roome	Farm	St. Catherine	prædial	85 — —	not paid.
	William Turner	Henry Dempster	—	non-prædial	77 6 —	—
	Jane Pattison	The Grange	—	—	10 — —	paid.
LAIDLAW, HENRY:						
	Catherine Williams	Green-park	St. Ann	prædial	51 — —	—
	Jane Trusty	— — —	—	—	51 — —	—
	Diana Hamilton	— — —	—	—	51 — —	not paid.
	Letitia Vernon	Prosper-hall	—	—	45 — —	paid.
	Mary Newby	— — —	—	non-prædial	11 13 4	—
	Julian Buchanan	Fairfield	—	prædial	37 10 —	—
	Susanna Nichols	Pleasant-valley	—	—	45 — —	—
ODELL, JOHN:						
	Sarah Cope	Phœnix estate	Hanover	non-prædial	36 3 4	—
	Mary Tryon	New Paradise	—	—	22 7 10	—
	John Lowe	Mount Lebanon	—	prædial	72 2 10	not paid.
PHILP, E. D.:						
	Catherine M'Donald	Retreat	Westmorland	non-prædial	20 6 8	paid.
	Janet Rankin	— — —	—	prædial	31 15 9½	—
	Ann Rankin	— — —	—	—	24 4 5	—
	Mary Geel	Alexander Riddell	—	non-prædial	28 6 8	—
	Eliza Lewis	Cornwall	—	—	16 13 4	—
	Grace C. Coates	Sarah Townsend	—	—	29 6 8	—
	Ann Thomson	Meylersfield	—	prædial	42 15 —	—
	Charlotte Burlton	Fontabelle	—	non-prædial	8 17 10	—
	Mary Jones	Nonpareil	—	—	25 — —	—
	Isabella M'Innes	King's-valley	—	—	8 18 —	not paid.
	Ann Wright	E. A. Russell	—	—	30 — —	—
	Jane M'Donald	Meylersfield	—	—	25 — —	paid.
	Frances Cox	Mount Eagle	—	—	26 13 4	—

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
PHILP, E. D.—*continued.*						
	Catherine Johnson	Elizabeth Johnson	Westmorland	non-prædial	19 6 8	not paid.
	Mary Saunders	Aaron Deleon	—	—	19 6 8	—
	Isabella Capon	Cairn Curran	—	prædial	53 — —	paid.
	Mary Otley	Meylersfield	—	non-prædial	25 15 8	—
	John Briscoe	Mary Jelly	—	prædial	34 13 4	—
	Jane Fraser	Retreat	—	non-prædial	24 11 —	—
	Andrew Hogg	Spring-garden	—	prædial	20 8 —	—
	Amelia Roberts	Hope-wharf	—	non-prædial	28 — —	—
REYNOLDS, JOHN:						
	Elizabeth Morgan	Doncaster plantation	St. Elizabeth	prædial	19 — —	—
	Richard Isaacs	Malvern-hill-pen	—	—	46 11 8	—
	Robert Griffith	Long-hill	—	—	44 — —	—
	Henry Foster	Kensington	—	non-prædial	67 — —	—
	Ruthy Gale	Emmans	—	prædial	59 — —	—
ST. JOHN, JAMES H.:						
	John Jackson	T. W. Bain	Port Royal	non-prædial	40 — —	after valuation, master agreed to take 30 *l.*—paid.
SOWLEY, W. H.:						
	Jane Henry	Seville estate	St. Ann	—	27 8 10	not paid.
	John Gaulton	Drax-hall	—	—	15 16 8	paid.
	Susanna Byfield	—	—	prædial	46 13 4	not paid.
	Susanna Jane Wright	Beverley-plantation	—	non-prædial	15 11 2	paid.
	Charlotte Rudd	—	—	—	9 6 8	—
WALSH, HENRY:						
	Elizabeth Perry	Pembroke-hall	—	prædial	10 — —	—
	John Franks	—	—	non-prædial	50 — —	—
	Mary Willis Franks	—	—	prædial	32 10 —	not paid.
	Thomas Price	Goshen estate	—	—	60 — —	—
	Mary Winship	—	—	non-prædial	21 6 8	—
	Robert Grandison	Lucky-hill	—	prædial	100 — —	paid.
	William M'Lean	Decoy estate	—	—	65 — —	—
	Jane Richardson	Pembroke-hall	—	non-prædial	20 4 6	—
	Ann Bonner	Endeavour-plantation	—	prædial	43 6 6	not paid.
	Amelia Ready	— Miss Porter (att[d] 6 Derry-pen.)	—	—	34 13 4	paid.
WELCH, ARTHUR:						
	Richard Nembhard	New Forest	Manchester	—	53 6 8	—
	William Martin	Miss Dover	—	—	53 6 8	—
	Francis M'Intosh	Kensworth	—	non-prædial	33 6 8	—
	William Hall	Stone's-hope	—	prædial	20 — —	—
	Charles Brooks	Blenheim	—	—	53 — —	—
	Sarah Williams	Woodlands	—	non-prædial	23 6 8	—
	Mary Palmer	Ramble	—	—	23 6 8	—
WILLIS, GEORGE:						
	Sophia Prince	Oxford	St. Thomas-in-the-East.	—	34 8 11	—
	Sarah Blakeley	Auchenfield	—	—	34 8 11	—
	Alexander Kias	Pleasant-hill	—	—	21 11 8	—
	Jane Elmore	Airy castle	—	—	16 2 3	—
	Janet M'Donald	Friendship	—	—	32 4 6	—
	Nancy Burke	Airy castle	—	prædial	57 15 7	not paid.
ALLEY, WILLIAM H.:						
	Peter Stevenson	Hanbury	Manchester	non-prædial	21 6 8	paid.
	Christiana Wright	Mount Nelson	—	—	40 — —	—
	Sue	Clawdon	—	prædial	30 — —	—
	Sarah Myrie	Oldburg	—	—	46 13 4	—
LYON, EDMUND B.:						
	John Robertson	Woodhall	St. Thomas-in-the-East.	non-prædial	25 — —	—
	Alexander Robertson	—	—	—	16 — —	—
	Amelia Graham	Island-head	—	prædial	37 6 8	—
	Thomas Francis	Blue Mountain	—	prædial, (tradesman.)	60 — —	—
	Mary Saunders	Duckworth	—	non-prædial	29 6 8	—
	Priscilla Thomas	—	—	—	16 — —	—
	Charles Easly	John Jackson	—	prædial	21 — —	—
	Amelia Job	Friendship-pen	—	non-prædial	13 — —	—
	Nanny Roster	Prospect	—	—	18 — —	—
	Nancy Dalling	—	—	—	18 — —	not paid.

(*continued*)

SPECIAL MAGISTRATES.	Name of Apprentice.	The Estate, or Master's Name.	PARISH.	CLASS.	Nett Value Awarded. £. s. d.	If Paid or not.
LYON, E. B.—*continued.*						
	George Davis	John Buchanan	St. Thomas-in-the-East.	non-prædial	16 13 4	not paid.
	George Saunders	George Fitzgerald	—	—	41 – –	paid.
	Nelly Scholar	John Martin	—	—	14 8 11	—
	Margaret Sharp	Retreat	—	—	30 – –	—
	John M'Lean	Greenfield	—	prædial, (tradesman.)	70 – –	51 *l.*, paid.
	Rosy Stewart	Mrs. Williamson	—	non-prædial	18 – –	10*l.* 13*s.* 4*d.*, paid.
	Ellen Anderson	Georgia	—	—	25 – –	paid.
	Ann Ross	Ben Lomond	—	prædial	37 6 8	—
	Margaret Ross	Shirley-castle	—	non-prædial	23 – –	—
	Catherine Johnson	—	—	—	6 10 –	—
	Nancy Mitchell	Island head	—	prædial	28 17 10	—
	Fanny Elmslie	Surge-island	—	non-prædial	25 – –	—
JONES, THOMAS W.:						
	Rebecca Barrett	Rio Magna-pen	St. Thomas-in-the-Vale.	prædial	83 15 7½	not paid.
	Margaret Low	—	—	—	92 8 11½	—
	Mary James	—	—	—	55 7 1	—
	Lewis Beckford	—	—	—	92 8 11	—
	Henry Grimwood	—	—	—	77 12 9	—
	John Low	—	—	—	69 16 3	—
	Cecilia Chambers	—	—	—	92 8 11	—
	Eleanor Thomas	—	—	—	15 – 11	—
M'LEOD, A. N.:						
	James Chisholme	Bushy-park	St. Dorothy	non-prædial	15 – –	paid.
FACEY, RICHARD B.:						
	Eliza Ramsay	Mrs. J. Bernard	St. James	prædial	26 – –	—
	Rebecca Chambers	Hazelnymph	—	non-prædial	11 1 3	—
	Mary White	—	—	—	30 6 3	—
	Charles Barrett	Montpelier	—	prædial	60 – –	—
	John Lansdown	William Mowatt	—	non-prædial	85 10 –	not paid.
	Sarah M'Donald	Kirkpatrick	—	—	29 – –	paid.
	Julian James	Childermas	—	prædial	13 5 –	not paid.
	Thomas Dewer	Richmond-hill	—	—	70 – –	—
GURLEY, JOHN:						
	George Manning	Kellets	Clarendon	—	15 – –	paid.
	Janet Williams	Green-vale	—	—	30 – –	—
	Elizabeth Bendley	Mr. James M'Carty	—	—	60 – –	not paid.
	William Thomas	Provost R. River	—	prædial, (cooper.)	111 – –	paid.
	Daniel Johnson	Green-park	—	prædial	55 – –	—

Appendix, No. 16.

CONDITION of the PROVISION-GROUNDS of the APPRENTICES in *Jamaica*.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

My Lord, Highgate, 10 March 1836.

I HAVE the honor to send you herewith Reports of the condition of 987 estates, as regards the provision-grounds of the apprentices; I was induced to make the inquiry in consequence of the report of one at least, if not more, of the custodes, in their reply to my circular, that the provision-grounds in their districts had been neglected.

I have, &c.
(signed) *Sligo.*

The Lord Glenelg,
&c. &c.

SUMMARY of REPORTS on the state of PROVISION-GROUNDS.

Cooper, R. S.	Hanover	32	Marlton, W. F.	St. Mary	25
Hulme, J. R.	Ditto	45	Davies, Thomas	Ditto	28
Oliver, T. M.	Westmorland	17	Ditto	Ditto	–
Philp, E. D.	Ditto	16	Walsh, Henry	Ditto	10
Ditto	Ditto	17	Lloyd, Samuel	St. Andrew's	35
Kelly, D. W.	Ditto	19	Bourne, S.	Ditto	27
Ditto	Ditto	11	Macleod, A. N.	St. Dorothy	10
Odell, John	St. James	14	Ditto	Ditto	13
Ditto	Ditto	2	Gurley, John	Claverdon	24
Finlayson, W.	Ditto	20	Ditto	Ditto	4
Facey, R. B.	Ditto	13	Ditto	Ditto	16
Cocking, R.	Ditto	19	Nolan, J.	Vere	33
Carnaby, W.	Ditto	19	Grant, J. W.	Manchester	15
Ditto	Ditto	9	Alley, W. H.	Ditto	10
Thompson, R.	St. Elizabeth	6	Ditto	Ditto	7
Ditto	Ditto	10	Welch, A.	Ditto	43
Reynolds, John	Ditto	30	Baynes, E. D.	St. John	9
Daughtrey, J.	Ditto	5	Ditto	Ditto	17
Ditto	Ditto	10	Harris, James	St. Thomas-in-the Vale	25
Ditto	Ditto	–	Ditto	Ditto	14
Bell, W. A.	Ditto	19	Jones, T. W.	Ditto	15
Hawkins, Charles	Trelawny	3	Ewart, D.	St. Thomas-in-the-East	9
Ditto	Ditto	11	Dunne, P.	St David	22
Thomas, J. R.	Ditto	7	Kent, Captain	Ditto	3
Ditto	Ditto	15	Kent, H. Capt.	St. David's and Port Royal.	21
Dillon, T. A.	St. Ann	41			
Ditto	Ditto	21	Hamilton, C.	Port Royal	13
Laidlaw, Henry	Ditto	9	Ditto	Ditto	8
Ditto	Ditto	7	Fishbourne, E. E.	St. George	32
Ditto	Ditto	13	St. John R.	Ditto	9
Woolfrys	Ditto	25			
Rawlinson, S.	Ditto	33		TOTAL	1,017
Marlton, W. F.	St. Mary	2			

New Green Island, Hanover,
29 Feb. 1836.

My Lord,

HAVING from my first arrival in this parish directed my attention and inquiries to the state of the provision-grounds, and the attention paid to them by the apprentices, I am happy to have it in my power to assure your Excellency that in no part of the island do they cultivate more assiduously the portions of ground allotted to them; this of course I say with the usual reservation for cases of individual idleness.

The people in most of the estates I have the honour to superintend are more apt to extend their grounds than neglect what they have, although so much of their own time is expended in doing planting work for hire.

I have, &c.
(signed) *R. S. Cooper*, sen.

His Excellency
The Marquis of Sligo.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

My Lord, Hill Side, Lucea, Hanover, 29 Feb. 1836.

I BEG to state that on inquiry I find that those negroes on the different properties visited this last week, who have always been in the habit of working good grounds, still continue to do so; and although on one or two of the larger estates they are not working quite so much ground as formerly, they have still abundance of provisions. On many of the small settlements there are apprentices who never would work any ground; and although they have had their grounds frequently supplied and put in order, they will not attend to them after their provisions are exhausted, but prefer living on their neighbours.

I have, &c.

His Excellency
The Marquis of Sligo.

(signed) *John R. Hulme.*

STATE of the Negro Grounds in the District of Special Justice *T. M. Oliver*, Westmorland, 1836.

Bath	Very good, both mountain and other.
Blue Castle	Very good, provisions plenty.
Black Heath	In good cultivation.
Black Ness	Very good, and contiguous.
Canowena	In good cultivation.
Cornwall	Excellent grounds, lowland and mountain.
Deans Vale Water-works	Very good, and contiguous.
Deans Vale Dry-works	Very good.
Friendship	Very good.
George's Plain	Very good, and contiguous.
Mesopotamia	Very good, also plentiful.
Petersfield	Good condition.
Prospect	Excellent grounds.
Strathmore	Good mountain grounds.
Shrewsbury	Excellent grounds.
Three Mill River	Very good, also provision.
Walbro	Grounds good.

Thomas M. Oliver, Special Magistrate.

RETURN of Condition of Negro Grounds, Leeward District of Special Justice *Philp*, Westmorland, March 1st, 1836.

Belleisle	Grounds in good order, provisions plenty.
Canaan	Ditto - - ditto - - ditto.
Camp Savanna	Provisions abundant.
Delve	Grounds good and provisions plentiful.
Frome	Grounds much the same as usual.
Fontabelle	Grounds good, provisions plenty.
Glasgow	Grounds much the same as formerly.
King's Valley	Provisions abundant.
Moreland	Ditto - - ditto.
Mount Eagle	Grounds well worked.
Mint	Provisions plentiful.
Nonpareil	Grounds good, provisions not scarce.
Paul Island	Grounds good, provisions plentiful.
Raderney	Provisions abundant.
Retreat	Provisions plentiful, grounds in good order.
Whitehall	Provisions plentiful.

E. D. Philp, Special Justice, Westmorland.

RETURN of Condition of Negro Grounds, Leeward District of Special Justice *Philp*, Westmorland, March 1st, 1836.

Albany	Provisions abundant, grounds in good order.
Bulstrode	Grounds not so well worked as formerly, but much better than last year.
Drummonds	Grounds in good order, provisions plentiful.
Geneva	Grounds in good order, provisions abundant.
Harpies	Provisions very abundant.
Hope	Grounds much the same as formerly.
Hope Pen	Grounds well worked, provisions plenty.
Lincoln	Grounds much the same, provisions plenty.
Longpond	Provisions abundant.
Masemond	Grounds in good order, provisions plentiful.
Midgham	Provisions abundant, grounds good.

Meylersfield

Meylersfield	Provisions abundant, grounds in good order.
Nigril Spots	Grounds good, provisions plenty.
Retrieve	Provisions much the same as usual.
Spring Garden	Provisions abundant, grounds in good order.
Springfield	Provisions abundant, grounds well worked.

E. D. Philp, Special Justice, Westmorland.

EXTRACT from Mr. *Kelly*'s Report, to 29th February 1836; Westmorland.

Chibucto, Haddo, Mackfield, Blue Fields, Old Shafton, Caledonia, Mount Tursay, Darliston, Clifden, Woodstock and Allower; provision-grounds in good order.

EXTRACT from Mr. *Kelly*'s Report, to 7th March 1836; Westmorland.

Windsor Forest	Grounds in good order.
Lennox Estate	Better than in 1834, as stated by the proprietor.
Petersville	Good grounds.
King's	Ditto.
Culloden	Ditto.
Akendoun	Ditto.
Robin's River	Ditto.
Mount Edgecomb	Ditto.
Old Shafton	Ditto.
Hartford	Ditto.
Glenburnie	Better than in 1834.
Cruise	Plenty of provisions.
Mr. Cooke's	Ditto - ditto.
Woodstock	Better than in 1834, as stated by the proprietress.
Walsh Park	Ditto - - - ditto.
Richard's Lodge	Ditto - - - ditto.
Bushy Park	Ditto - - - ditto.
Clifden	Not very good, in consequence of bad lands.
Darliston	Plenty of grounds, and better than in 1834.

STATE of Apprentices' Provision-Grounds in Montpelier District of Special Justice *Odell*, Westmorland.

Alexandria	Well stocked with provisions, and in as high a state of cultivation as before 1st August 1834.
Argyle Estate	Ditto - - - ditto.
Argyle Pen	Ditto - - - ditto.
Cow Park	Ditto - - - ditto.
Content Estate	Sufficiently supplied with provisions, but the cultivation of the grounds not so extensive as before August 1834.
Chester Castle	Equal in every respect to what they were prior to August 1834.
Friendship	Condition of grounds, &c. not yet ascertained.
Golden Grove	Ditto - - - ditto.
Hermitage Pen	Provisions abundant, cultivation not inferior to what it was previous to August 1834.
Knockalva	Not ascertained, owing to the absence of the overseer when I visited.
Ramble	Plentifully stocked with provisions; grounds in a high state of cultivation.
Silver Grove	Grounds well supplied, and cultivation thereof much improved since August 1834.
Sod Hall	Unable to ascertain, owing to the absence of the manager on my last visit.
York Pen	Forgot to make the inquiry when on the property; shall do so on next visit.

John Odell, Special Justice.

STATE of Apprentices' Provision-Grounds in Montpelier District of Special Justice *Odell*, Westmorland.

Knockalva	Grounds amply stocked with provisions, and the cultivation of them more extended than before August 1834.
Sod Hall	Grounds in a far better state of cultivation than before August 1834.

N.B. The state of the provision-grounds on the other properties visited during the week has already been reported. I hope to complete a statement with respect to those remaining unreported by the ensuing week.

John Odell, Special Justice.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

My Lord, Montego Bay, St. James's, 1 March 1836.

In compliance with your desire of the 16th instant to be furnished with a report of the state the negro grounds are in, I beg leave for your Excellency's information to state, that on Richmond Hill the head people declare the provision-grounds to be in better order, and much more provisions planted than there was before "free came."

Laplana the same.

Roehampton negro grounds abound in provisions, and much better cultivated, having had more time allowed them than in 1834. On Montpelier they are represented as being much in the same condition as in 1834; they have however this season put in an unusual supply.

Belvedere. The provision-grounds on this property in good cultivation, well cleaned, and abound in all sorts of provisions, better cultivated than in 1834.

Ducket Spring. The overseer inspected the negro grounds very lately; found them clean, and a great quantity of provisions growing; they have also cleared and planted other grounds; decidedly more forward than the year 1834.

Seven Rivers. Considering the nature of the soil, as well attended and cleaned as in 1834. They are opening new land.

Wazelnymph. Very indifferent; no accounting for it.

Scarletfield. Abounds in excellent provision-grounds; they cultivate much ginger, and by far more forward than in 1834.

Ginger Hill the same.

Floyd's Lodge. They cultivate more ginger than provisions in their grounds, the one paying much better than the other.

Underwood. In good cultivation, considerably exceeding the year 1834.

Content. The apprentices on this property are more attentive to their grounds than ever they were, supplying the emigrants at Seaford Town and the market at Montego Bay.

I have, &c.
(signed) *R. B. Facey.*

REPORT as to the Provision-Grounds of Mr. *Finlayson*'s District of St. James's.

Blue Hole	Provision-grounds, especially the mountain, very productive.
Cinnamon Hill	Provisions plenty, new grounds productive.
Cornwall	About the same state as in 1834.
Crawl	Provisions plenty.
East Hams	Ditto - - ditto.
Flower Hill	
Green Pond	Provision-ground in good state, as much as in 1834.
Hartfield	Provision-grounds in good order, plenty of food.
Transhore	Provision-grounds in pretty good order.
Lilliput	
Portobello	
Providence	Grounds generally in good order, as much so as in 1834.
Retreat	Grounds in better condition than in 1834.
Rosehall	
Running Gut	Provisions are in abundance.
Saltspring Estate	Provision-grounds are in good order.
Saltspring Pen	Provisions are plenty.
Spring	Grounds not in good order; not so good as in 1834; the gardens are in good condition.
Success	Provisions plenty, as much so as in 1834.
Tryall	Provisions are plenty.

Montego Bay, 1 March 1836. *Walter Finlayson*, Special Justice.

EXTRACT from Mr. *Cocking*'s Report, to 1st March 1836; St. James's.

Canaan Estate	Provision-grounds well supplied, &c.
Castle Wemyss	Ditto - - - ditto.
Spring Vale Pen	Ditto - - - ditto.
Bell Field Estate	Ditto - - - ditto.
Chatham Estate	Ditto - - - ditto.
Charlton	Ditto - - - ditto.
Spot Valley Estate	The negroes here are not working their grounds as formerly; with but few exceptions, they prefer working for hire about the country, and are notoriously fond of idling and stealing. Negro grounds about 12 miles off.
Grange Pen	Well off for provisions, never better, &c.
Barrett Hall	Ditto - - - ditto.
Dumfries Estate	Ditto - - - ditto.
Lima Estate	Ditto - - - ditto.
Content Estate	Ditto - - - ditto.

Palmyra

No. 16.
Condition of the Provision Grou

JAMAICA.

Palmyra Estate - - -	These people are not working their grounds as formerly, from the same principle as adopted by Spot Valley people.
Glasgow Estate - - -	Well off for provisions, &c.
Milemma Hall - - -	Ditto - - ditto.
Windsor Estate - - -	Ditto - - ditto.
Somerton Estate - -	Ditto - - ditto.
Virgin Valley Estate - -	Ditto - - ditto.
Industry Estate - - -	Ditto - - ditto.

Memorandum.—With the exception of Spot Valley and Palmyra, the apprentices hire themselves during their own time, and yet do not neglect their grounds; the men hire out and the women go to the grounds.

REPORT of the state of the Negro Grounds attached to the different Properties under charge of Special Justice *Carnaby*, in the Parish of St. James.

Boyne Estate - - -	Not generally in the same good order as at 1st August 1834, though the majority of the people have a greater quantity of provisions and ground to cultivate.
Spring Garden - - -	One-third whose grounds are in as good order as before 1st August 1834; one-third partially cultivated, and one-third abandoned.
Unity Hall Estate - -	Not in such order as 1st August 1834, because they purchase their provisions with money received for extra time; abundance of ground to cultivate.
Retirement Estate - -	In as good order as at 1st August 1834, and abundance of provisions.
Friendship ditto - -	
Irwin ditto - - -	
Orange Estate - - -	Better order than before 1st August 1834, and abundance of provisions.
Purling Stream ditto - -	
Latium ditto - - -	
Gilsbro' Estate - - -	Better order than before 1st August 1834, and abundance of provisions.
Lyden ditto - - -	
Sunderland ditto - -	
Newman Hall ditto - -	
Flamstead ditto - - -	
Piton ditto - - -	
Worcester ditto - - -	
Williamsfield Estate - -	Plenty of provisions, and ground in as good order as before 1st August 1834.
Spring Mount ditto - -	
Hampton ditto - - -	

Montego Bay, 1 March 1836. *Wm. Carnaby*, Special Justice.

Note.—For the properties of Pitform Pen, Reading Pen, Caledonia Pen, St. James's, Park Pen and Mount Vernon Pen, no report could be got, the proprietors not being at home on my visit, and no one there sufficiently acquainted to furnish me with the information.

W. C.

SECOND REPORT of the State of the Negro Grounds attached to the different Properties under charge of Special Justice *Carnaby*, in the Parish of St. James.

Reading Pen - - -	Not in such order as on 1st August 1834; sufficiency of ground to cultivate.
Pitform Pen - - -	In as good order as in August 1834, and abundance of provisions.
Fairfield - - - -	Not in such good order as on 1st August 1834, because the estates being so contiguous to the town of Montego Bay, the people employ their time in collecting and disposing of grass, wood, fish, &c.; sufficiency of ground to cultivate.
Bellfield - - - -	
Carthagena - - -	
Catharine Hall - - -	
Catharine Mount - -	
Paradise Pen - - -	
Durnhill - - - -	In as good order as on 1st August 1834, and abundance of excellent provisions.

Montego Bay, 8 March 1836. *Wm. Carnaby*, Special Justice.

My Lord, Montego Bay, St James's, 8 March 1836.

I HAVE the honour to send your Excellency an additional report on the state of the negro grounds in my district.

To complete the whole, I only want information as to Caledonia, St. James's Park, and Mount Vernon Pens; and though I am almost certain the grounds attached to those properties are in excellent order, yet I am desirous to see the proprietors before reporting this to your Excellency.

I have, &c.
Wm. Carnaby, Special Justice.

His Excellency the Marquis of Sligo,
&c. &c. &c.

No. 16. Condition of the Provision Grounds.

JAMAICA.

A REPORT on the State of the Negro Grounds in the District of Special Justice *Thompson*, St. Elizabeth's.

Salt Springs Pen - -	The Negro grounds are at present not very abundant, they suffered much by late dry weather. This is the statement of the headmen on the property; the overseer is newly come to the property, and does not know. I saw the late overseer: he says the people on this property have so many ways of making money by pragg that they seldom work their grounds well.
Gushao Pen - - -	I could get no information, but from an old man, who said the grounds were so so. The overseer was from home; I could see no headman.
Newell - - - -	The provisions are abundant now; but as for working better than before the 1st of August, they do not; this was the opinion of the proprietor and overseer.
Malvern Well - - -	The new overseers could give no opinion; but the constables said they worked pretty well, and the grounds were so so.
Hounslow - - - -	The overseer and gang removed from Hounslow.
Alscott - - - -	The grounds have suffered from dry weather, but the apprentices have a good deal of corn, which they carry to Black River and sell.
Burnfield and Hermitage - -	Are in the same state as above.
Fuller's Wood - - -	The grounds are tolerably good at present, and the apprentices are generally pretty industrious.
Luanna Second - - -	The grounds are very good, and the apprentices work very well.
Delantobez - - -	Mrs. Kennedy says they will not work ground, but live by stealing and plundering others.
Fonthill - - - -	The grounds are not so good as formerly, being on old land; but the overseer is about to fence off new grounds for them; besides, they have stock, hogs and cattle in great numbers.

These are all the properties I have visited since I received the order last week; and I can only add, that in this district the apprentices have more privileges in keeping stock than I have before known, and generally have plenty of hogs, and some have cattle and mules.

Black River, 1 March 1836. *Robert Thompson*, Special Justice.

CONTINUED REPORT on the State of the Negro Grounds in the District of Special Justice *Thompson*, St. Elizabeth's.

Loweswork - - -	I inquired of the overseer, on whose statement I would rely more than any other in my district, what his opinion was as to the difference between their working their grounds now, and before the 1st of August? He said they did not; that many did pretty well, but there were others who did nothing but steal from those who were industrious.
Aston - - - -	Is a property I visit to oblige Mr. Burlton, having less than the requisite number of apprentices. From the variety of Mr. Burlton's avocations he is frequently from home, and on this visit he was away; I could find no information I could write down as correct.
Luanna First - - -	Commonly called, I believe, Gales Luanna. The book-keeper told me they did not work their grounds very well. I had met the overseer going from home; he said he could not tell me, as he had not been long on the property; and that in consequence of the dry weather at present, he supposed they were rather scarce in provisions.
Glebe Pen - - - -	An old man told me their grounds were so so. The Rev. Mr. Williams was from home.
Fyfe's Pen - - -	A boy told me they were rather scarce of provisions now, but they were waiting for the rain to commence planting more.
Hodges - - - -	I could see no person but the house-man; he said the provisions were scarce just now.

These are all the properties not reported on in last week's sheet. All join in confirming the statement, which I believe to be true, that the extra time given to them is not spent in working their grounds, but in gadding about, running to town, to preachings, and visiting amongst each other, and by many in absolute sloth and idleness.

Black River, 4 March 1836. *Robert Thompson*, Special Justice.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

My Lord, Torrington Castle, St. Elizabeth's, 8 March 1836.

I HAVE the honour to enclose herewith my weekly report, and to state to your Excellency that everything goes on well in my district. Lately we have had heavy rains, which is favourable to the planters.

With regard to the provision-grounds allotted to the negroes, they are very ample; and, with the exception of Mr. Muscheat's people, all of my district take provisions for sale to market at Black River.

I have &c.

His Excellency the Marquis of Sligo, &c. &c. &c.

J. Reynolds, Special Justice.

My Lord, St. Elizabeth's, 7 March 1836.

THE result of my inquiries respecting the condition of negro gounds, satisfies me that they are not in general neglected, but that though the people have opportunities, which many have embraced, of working for hire on their own days, they are too prudent not to make their grounds the main stay.

Provisions can be purchased on almost every property, and on some in very considerable quantities.

Of three of the four sugar estates in this district, I am now enabled to state that the produce will exceed the return of last year.

I have, &c.

J. Daughtrey.

St. Elizabeth's, 7 March 1836.

NOTICE of the present Condition of Negroes with regard to Provisions and the State of their Grounds.

Lacovia - - - -	In general pretty good, but some neglect and deficiency among the worthless, as was ever the case. The proportion of such is rather greater here than on some other properties.
Holland - - - -	In general well off here for provisions, and grounds properly cultivated.
Y. S. - - - -	Abundance of good ground, and in general well worked.
Ipswich - - - -	The industrious part sell considerably, others not so well off on account of neglect.
Spring Vale - - -	Grounds properly attended to; no want of provisions.

J. Daughtrey.

St. Elizabeth's, 29 February 1836.

NOTICES of the State of Negro Grounds, and their Condition with regard to Provisions.

(signed) *J. Daughtrey.*

Hampstead - - -	In general good grounds, well cultivated, a surplus of provisions for sale.
Hartshall - - - -	Ditto - - - ditto.
The Cottage - - -	Ditto - - - ditto.
New Savanna - - -	Ditto - - - ditto.
Payne's Town - - -	Short of provisions; people attribute it to the circumstance of the land they formerly worked having passed out of their master's hands; the master himself to their neglect; they have few provisions coming forward, but complain of being too much restricted in the quantity of land they are allowed to work. I intend to make it the subject of an inquiry.
Giddy Hall - - -	The people well off for provisions, working steadily at their grounds.
Mount Pleasant - - -	Ditto - - - ditto.
Mount Charles - - -	The industrious part have good grounds and sufficient provisions; the few worthless not so well off; I have directed a particular investigation.
Mount Lebanon - - -	
Whitehall - - - -	Not abundantly supplied with provisions, but pretty well off; grounds attended to, but land rather poor.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

EXTRACT from Mr. *Bell*'s Report to 20th February 1836, St. Elizabeth's.

Harmony Hall Pen.	Two Mile Wood Estate.	Biscany Estate.
Whitehall Pen.	Lancaster Estate.	Breadnut Valley Estate.
Canisbrooke Pen.	Bogue Estate.	Magety Pen.
Cornwall Pimento.	Elim Estate.	Windsor Pen.
Micham Pen.	Barton Isles Pen.	Mexico Estate.
Gilnook Pen.	Barton Estate.	Island Estate.
Grosmonde Pen.		

The grounds of all the properties in this week's report are in as good order as formerly, and many of the apprentices are cultivating arrow-root, &c. in a larger degree than formerly.

(signed) *W. H. Bell.*

DISTRICT of Special Justice *Hawkins*, Trelawny.

STATEMENT of the Negro Provision-Grounds, whether Worked, abundant of Provisions, or are they cultivated as well as before the 1st of August 1834.

Georges - - - -	The overseer has received no complaint of any want of provisions in negro grounds; does not know if the grounds are as good as previous to 1st of August 1834, not having been on estate at that time.
Mount Carfax - - -	Mr. Bullock, proprietor, says that the mountain grounds are neglected, also the sea side grounds, and not anything in the same cultivation as previous to 1st August 1834.
Windsor Castle - - -	Mr. Bullock, lessee, says that the negroes have no mountain grounds; that the ground round the estate is in very good condition and plenty of provisions; has leased the property a short time; does not know how they were previous to 1st August 1834.

The remaining estates I shall send as soon as I can make the necessary inquiries, and my overseer being absent when I called.

(signed) *C. Hawkins*, Special Justice.

STATEMENT of the Negro Grounds in the District of Special Justice *Hawkins*.

NAMES OF PROPERTIES.	STATEMENT OF NEGRO GROUNDS.
Braco - - - -	The overseer says that they are neglected, and in a worse state than previous to the 1st August 1834.
Lancaster - - -	The overseer says that the people are neglecting their grounds in consequence of receiving hire, and are much worse than previous to 1st August 1834.
Harmony Hall - - -	The overseer was in the mountain grounds last week; that they are neglected; not much provisions in them, and worse than previous to 1st August 1834.
Stuart Castle - - -	The overseer, having examined the negro grounds this week, reports that they are in a very bad state; scarcely any provisions, and in a much worse condition than previous to 1st August 1834; also states that the home grounds are in very good order.
Arcadia - - - -	The overseer says that he knows nothing about them.
Lysworny - - -	The overseer has never seen the negro grounds by the evidence of the head driver; he says that some of the grounds are in good order, but does not think that they are in as good order as previous to 1st August 1834.
Nightingale Grove Estate -	The overseer says that the grounds are not in such good order as previous to 1st August 1834; that the apprentices of Nightingale Grove purchase provisions from the mountain negro.
Brampton Bryar Estate -	The overseer says they are in good order. The head driver says that some are not in good order, nor are any so good as previous to the 1st August 1834.
Colchis Estate - - -	The overseer says the negro grounds are in excellent order; that he was through them last Saturday, and that they have abundance of provisions, and that they are equal to the 1st August 1834.
Bengal - - - -	The overseer says that the grounds are in good order, and that he has abundance of provisions; cannot say as to the grounds previous to 1st August 1834.
Etingdon - - - -	The overseer says that the negro grounds are in as good order as they were previous to 1st August 1834.

(signed) *C. Hawkins*, Special Justice.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

LIST of Properties in District of Special Justice *Jos. Rawlins Thomas*, Falmouth, March 1836.

NAMES OF PROPERTIES.	STATE OF PROVISION-GROUNDS.	
Florence Hall	Abundantly supplied, and fully as well cultivated as before 1st August 1834	From 23d to 29th Feb. 1836.
Clermont	Abundantly stocked, and equally as well cultivated	
Roslin Castle	Abundantly stocked, and even better than in 1834	
Grange	Grounds and gardens abundantly stocked; as well as in 1834	
Orange Grove	Abundantly filled, and fully as well as in 1834	
Dry Valley	Abundantly, quite as well stocked as in 1834	
Spring	Abundantly cultivated, equal to 1834	
Oxford	Abundantly stocked, equal to 1834	
Lottery	Abundantly supplied, quite as well as 1834	
Water Valley	Capital grounds and gardens, not lately inspected	
Hague	Cultivated equal to 1834, well stocked	
Southfield Pen	Fairly cultivated, equal to 1834	
Irving Tower	Gardens abundantly stocked, equal fully to 1834; grounds not lately visited by overseer	
Maxfield	Plenty of excellent ground and garden land, but neglected by many apprentices in consequence of the grass and wood, which is liberally allowed the apprentices, added to what they continually steal and sell in town	
Holland	Exactly the same as Maxfield	

(signed) *Jos. Rawlins Thomas*, Lieut. R.N.
Special Justice.

IN District of Special Justice *Jos. Rawlins Thomas*, March 1836.

NAMES of PROPERTIES Visited this Month.	STATE OF PROVISION-GROUNDS.	DATES when Visited.
Green Side	- - Grounds extensive and good; well cultivated by some apprentices, but neglected by others, in consequence of grass and wood which they are allowed, but which they, notwithstanding, steal and sell	1st to 5th. 7th.
Hampshire Pen	Good and well cultivated, equal to 1834	
Carrick Foyle	Ditto and abundantly stocked - - ditto	
Green Park	- - Excellent grounds, and garden abundantly stocked	
George's Valley	- - Excellent, and abundantly stocked, equal to 1834	
Orange Valley	- - Excellent grounds and gardens, equal to 1834	
Kent	- - Good grounds and gardens, well stocked, as 1834	

(signed) *Jos. Rawlins Thomas*, Lieut. R. N.
Special Justice, Falmouth.

No. 16.
Condition of the Provision Grounds.

JAMAICA.

REPORT and Observations on the Cultivation, Quality and Quantity of the Grounds in the possession of the Apprentices attached to the several specified Estates in the Upper Dry Harbour District of St. Ann's, collected by Special Justice *T. A. Dillon*; from the 16th February to the 8th of March inclusive, 1836.

NAMES of ESTATES.	Quality of Grounds.	Quantity of Provisions.	Cultivation.	General Remarks.
Alexandria	good	abundant	in progress.	
Aboukir	excellent	unlimited	ditto.	
Arbuthnot	good	plentiful	ditto.	
Armadale	excellent	plenty	ditto.	
Abberley	very good	enough	ditto.	
Borobridge	excellent	more than enough	ditto.	
Burton Park	good	plenty	ditto.	
Ballantry	virgin soil	abundant	ditto.	
Bennett's Field	good	enough	ditto.	
Calderwood Glen	good	sufficient	ditto.	
Cypress	good	plenty	ditto.	
Chew Magna	good	enough	ditto.	
Culloden	very good	abundant	ditto.	
Caledonia	very good	more than sufficient	ditto.	
Cave Valley	good	sufficient	ditto.	
Cave River	good	enough	ditto.	
Carnie	good	enough	ditto.	
Devon	not so good	sufficient	ditto.	
Esling	poor soil	sufficient	ditto	--principal grounds good, but distant.
Greenock	very good	plenty	ditto.	
Gibraltar	good	more than enough	ditto.	
Hyde Park	good	ditto	ditto.	
John's Hall	virgin soil	abundant	ditto.	
Inverness	good	plentiful	ditto.	
Industry	good	enough	ditto.	
Lime-Tree Garden	good	sufficient	ditto.	
Muir House	very good	abundant	ditto.	
Meida	good	plentiful	ditto.	
Mount Nebo	not so good	enough	ditto.	
Nutsford	tolerable	sufficient	ditto.	
Owen's	very good	abundance	ditto.	
Rosetta	not so good	plenty	ditto.	
Retirement	excellent	abundance	ditto.	
Richmond	excellent	abundance	ditto.	
Scarborough	good	more than sufficient	ditto.	
Summer Hill	decayed	enough	ditto.	
Water Valley	good	sufficient	ditto.	
York Valley	very good	more than enough	ditto.	
Kensington	- - -	- - - -	- -	- - police station. Armadale apprentices have some grounds here.
Gormsdale	virgin soil	abundance	—	
Wakering	- - -	- - - -	- -	--Cypress apprentices have some lands here.

(signed) *T. A. Dillon*, S. M.

EXTRACT from Mr. *Dillon*'s Report to 28th February 1836; St. Ann's.

John's Hall.	Cave River.	Richmond.
Owen's.	Boroughbridge.	Lime-Tree Garden.
Hyde Park.	York Valley.	Nutsford.
Arbuthnot.	Mount Nebo.	Devon.
Aboukir.	Caledonia.	South Hampton.
Greenock.	Gibraltar.	Summer Hill.
Cave Valley.	Industry.	Wakering.

"The apprentices have an ample supply of provisions, the markets are glutted: they are satisfied with the position of their grounds, which is usually selected by themselves. The hothouses and dungeons are well ventilated, and any little improvements, such as white-washing, &c. suggested by the magistrate, have been invariably attended to."

(signed) *T. A. Dillon.*

No. 16.
Condition of the Provision Grounds.

JAMAICA.

REPORT on the State of Negro Grounds, in the District of Special Justice *Woolfreys*, St. Ann's, for the Week ending 1st March 1836.

NAMES OF PROPERTIES.	CONDITION OF NEGRO GROUNDS THEREON.
Twickenham Park	In good cultivation; plenty of provisions; no falling off from August 1834.
Woodfield	The people, Mr. Clarke said, had, by consent of Mr. Justice Laidlaw, exchanged their old grounds for new, which are now in a state of improvement, and they will shortly have plenty of provisions.
Union	In good cultivation; plenty of provisions; no falling off.
Hiattsfield	The same.
Healthy Hills	The same.
Happy Retreat	The same.
Hopewill	The same.
Belmont	The same.
Greenfield	In poor condition; the land worn out. Mr. Smallwood, the owner, lately arrived, is in treaty for the purchase of new land for grounds.
Bromley	In good cultivation; plenty of provisions.
Bachelor Hall	In good cultivation; plenty of provisions; no falling off.
Soho	The same.
Mount Pleasant	In good cultivation generally; a good supply of provisions.
Islington	In poor cultivation; the land worn out, only fit for yam in the season. Mr. Turner, the executor, is expected up; will represent the condition to him, and the necessity of procuring better land for grounds.
Shaw Park	Is again getting in good cultivation. The people had formerly cultivated Great Pond land, which was taken from them.
Great Pond	In good cultivation; no falling off; plenty of provisions.
Prosper Hall	Not well attended to lately.
Eltham	Mr. Moncrieffe from home; constable not in place to afford information; will report after next visit.
White River	In good cultivation; plenty of provisions; no falling off.
Brothers' Retreat	Mr. Crasser from home; constable not in place to afford information; will report after next visit.
Hind's Bogue	In bad condition generally; people are often jobbing at a distance.
Hatch Hill	Many of them in a neglected condition.
Belle Vue	Mr. Walker, the owner, not at home; could not see any of the constables to obtain information; will report after next visit.
Orange Hall	Have again commenced the cultivation of their grounds; were some time ago neglected.
Mount Plenty	The gardens in fine cultivation, but the grounds, many of them, neglected; plenty of provisions in the gardens.

Note.—Several of the people cultivate grounds on the property where they have wives and husbands not belonging to their masters.

(signed) *J. Woolfreys*, Special Justice.

REPORT of the state of the Negro Grounds in this district of Special Justice *Woolfreys*, St. Ann's, for the week ending 8 March 1836 (not previously reported).

NAMES OF PROPERTIES.	CONDITION OF NEGRO GROUNDS.
Cedar Valley	In pen cultivation most of them.
Harmony Hill	In good cultivation generally, with sufficiency of provision.
Relief	In good cultivation, plenty of provision.
Belle Alliance	Most of them in good cultivation, with plenty of provision.
Eltham	Most of the grounds neglected.
Belle Vue	Grounds generally neglected, but the gardens in fine cultivation.
Brothers' Retreat	Grounds very well cultivated by the people, but the neighbouring cattle has injured some of them.
Thicketts	In good cultivation, plenty of provisions.
Annandale	Ditto ditto.
Murphy Hill	Ditto ditto.
Spring Mount	Ditto ditto.

(signed) *J. Woolfreys*, S. J.

No. 16.
Condition of the Provision Grounds.
JAMAICA.

REPORT on the State of Negro Grounds in the Moneague and Pedros District of St. Ann's.

Grurpark - - -	Grounds in good cultivation, abundance of provisions.
Pennysson - - -	Ditto - - - ditto.
Edinburgh Castle - -	Grounds in good order, abundance of provisions.
Concord - - - -	Attentive to grounds, no complaints of deficiency of provisions.
Little River - - -	Grounds in good order.
Rodon Hall - - -	Abundance of provision-grounds in good order.
Bonne Ville - - -	Attentive to grounds.
Bradfield - - - -	Abundance of provisions, grounds in excellent order.
Phœnix Park - - -	Provisions plenty, generally very attentive to grounds.

9 March 1836. (signed) *Henry Laidlaw.*

REPORT of the State of Negro Grounds within the District of Special Justice *Laidlaw*, St. Ann's, so far as yet ascertained.

Unity Valley - - -	Provision-grounds in a high state of cultivation, much better than previous to August 1834.
Crescent Park - - -	Grounds in excellent order, kept at least as well as in 1834.
Union Hill - - -	Generally in very good order, as well as in 1834.
Schwellingburgh - -	In excellent order, as well kept as formerly.
River Head - - -	Abundance of grounds and every attention paid to them; more ground and better cultivated than in 1834.
Faith Pen - - -	In good cultivation, as good as formerly.
Ardoch - - - -	Pay every attention to their grounds.

Note.—On all these properties, reported on, they have an abundant supply of provisions, but on every property there are always some idle worthless persons who neglect their own grounds and rob those of others.

(signed) *Henry Laidlaw.*

Ramble - - - -	Abundance of provisions; grounds in excellent order.
Woodstock - - -	Grounds in good order.
Charleton Kings - -	Large provision-grounds; in excellent order.
Dixon - - - -	Grounds in very good order.
York Castle - - -	Ditto - - - ditto.
Prosper Hall - - -	Grounds in good cultivation.
Carton - - - -	Abundance of provisions, and grounds in good order.
Abraham Park - - -	Extensive grounds in excellent order.
Green Park - - -	Grounds in pretty good order.
Rio Hoe - - - -	Abundance of provisions; grounds in excellent order.
Retirement - - -	Same.
Endeavour - - - -	Grounds in very good order; people very attentive to them.
Haddon - - - -	Grounds in good order.

Moneague, 1 March 1836. (signed) *Henry Laidlaw.*

My Lord, Brownstown, St. Ann's, 29 February 1836.

IN answer to the circular of 16th instant, respecting the grounds belonging to the negroes, I beg to state, in the first place, that through the whole of this district they have a great abundance of provisions; and in the second place, with few exceptions, they are as well cultivated as before the 1st August 1834. An immense quantity of provisions are sold every Saturday, at Brownstown and Stewartstown, and taken to Falmouth and other places in Trelawny.

I have, &c.

The Marquis of Sligo, &c. (signed) *Stanley Rawlinson*, Special Justice.

EXTRACT from Mr. *Marlton*'s Report, to 8 March 1835, St. Mary's.

Trinity - - - -	Provision-grounds as well cultivated as previous to August 1834.
Tryall - - - -	The same.

My Lord, New Ramble, St. Mary's.

IN reply to a circular, "The King's House, 16th February 1836," relative to the provision-grounds of the apprentices in my district, I have the honour to represent to your Lordship that I have made inquiries during the last fortnight, the result of such inquiries being, that the apprentices work their grounds as well as previous to August 1834, and that provisions

are

No. 16.
Condition of the Provision Grounds.
JAMAICA.

are in abundance. Port Maria market is well supplied; the apprentices are quite alive to their interest in this respect. I have observed a great improvement in the gardens about the apprentices' houses during the year; their half of Friday, and other spare hours, are employed mostly in this way. I have heard more remarks made about the apprentices taking more ground than they had, for the purpose of raising provisions for sale, than that they were not working.

I have, &c.
(signed) *Wm. Marlton*, Special Justice.

My Lord Marquis, Highgate, St. Mary's, 1 March 1836.

I HAVE the honour to write your Excellency that the apprentices on the respective properties in this district have abundance of provision-grounds; and are as well cultivated as before the 1st August 1834.

I also beg to acquaint your Excellency that they are in the constant practice of taking the surplus of their provisions to the Kingston Market.

I have, &c.
(signed) *Thomas Davies*, Special Justice.

LIST of Properties in the District of *Thomas Davies*, Special Justice, St. Mary's, 7 March 1836.

NAMES.	STATE OF CULTIVATION.
Agua ulta Vale Estate -	Have abundance of provisions; grounds well cultivated as before 1st August 1834.
Agua ulta Vale Pen - -	Ditto - - - ditto.
Albany Estate - - -	Grounds in a good state of cultivation, and a sufficiency.
Ballard's Valley Estate -	Ditto - - - ditto.
Belfield Estate - - -	Have abundance of provisions; grounds well cultivated.
Berry Hill Pen - -	Ditto - - - ditto.
Cape Clear Pen - -	Ditto - - - ditto.
Carlton Estate - - -	Ditto - - - ditto.
Clermont Pen - - -	Ditto - - - ditto.
Clonmell Pen - - -	Ditto - - - ditto.
Cromwell Estate - -	Ditto - - - ditto.
Egypt Police Station -	No grounds cultivated.
Esher Estate - - -	Have abundance of provisions; grounds well cultivated.
Friendship Estate - -	Ditto - - - ditto.
Green Castle Estate - -	Ditto - - - ditto.
Harmony Hall Pen - -	Ditto - - - ditto.
Islington Estate - -	Ditto - - - ditto.
Llangley Estate - -	Ditto - - - ditto.
Markham Hall Pen - -	Ditto - - - ditto.
Moore Hall Estate - -	Ditto - - - ditto.
Neurry Estate - - -	Ditto - - - ditto.
Nonsuch Estate - - -	Ditto - - - ditto.
Nutfield Estate - -	Ditto - - - ditto.
Orange Hill Estate - -	Ditto - - - ditto.
Pimento Hill Pen - -	Ditto - - - ditto.
Tremolesworth Estate -	Ditto - - - ditto.
Water Valley Estate - -	Ditto - - - ditto.
White Hall Estate - -	Ditto - - - ditto.

I beg leave to state, it has been remarked from some estates the apprentices are more disposed to run over the grounds than under the old system, thereby destroying woodlands.

(signed) *Thomas Davies*, Special Justice.

Mr. *Walsh*'s Report, St. Mary's.

17th February	1836	-	Industry	-	-	-	-	Provision-grounds in good order.		
Ditto - -	ditto	-	Prospect Pen	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Tower Hill -	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Spring Valley	-	-	-	Ditto	-	-	- ditto.
19th - -	ditto	-	Warwick Castle -	-	-	-	Ditto	-	-	- ditto.
21st - -	ditto	-	At Windsor	-	-	-	Ditto	-	-	- ditto.
22d - -	ditto	-	Goshen Estate	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Goshen Pen	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Up Park -	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Spring Garden	-	-	-	Ditto	-	-	- ditto.
23d - -	ditto	-	Mount Pleasant -	-	-	-	Ditto	-	-	- ditto.
Ditto - -	ditto	-	Content	-	-	-	-	Ditto	-	- - ditto.

No 16.
Condition of the Provision Grounds.

JAMAICA.

My Lord, Stoney Hill, St. Andrew, 8 March 1836.

I HAVE the honour to acknowledge your Excellency's red ink slips, as transmitted by Mr. Nunes' letters, as also your Lordship's circular of the 16th ultimo.

I beg leave to acquaint your Lordship I have long drawn my particular attention to the cultivation of the negro provision-grounds; I can report with the exception of four sugar estates, viz. Waterhouse, Pembroke Hall, Molynes and Maverly. The grounds throughout my present extensive district are in high order. On the four properties particularized there was no attention, until after the abolition of slavery, paid to the cultivation of provisions, the negroes having a privilege of cutting wood, for which, owing to the short distance to Kingston, they met ready sale; they have, however, since opened grounds, which are progressing into a state equal to the wants of the people.

A long established custom of the negroes in forming reputed connexions on distant properties will, I know, make it impossible for either the magistrate or the manager to cause every apprentice to have sufficient grounds on the property to which he is attached, without a coercion I should be sorry to attempt; because where those connexions are formed they generally make choice of grounds on the property where provisions are most productive. Complaints of this nature have been made to me, but I always advised, when the parties were otherwise well inclined, it would be as well not to notice it; particularly where I found an abundance of grounds of little or no value to the proprietor. I have also to add, that there are incorrigible idlers, of about one to every 50, on almost every property, long accustomed to running away, who are so hardened from frequent workhouse and other punishments, that all the coercion within the power of man cannot reform; when such persons are brought before me, I generally recommend that they be fed from the overseer's house, and made do necessary work about the buildings in the time that would be allowed them by law, which I find the best method of keeping them from plundering.

I have, &c.

His Excellency the Marquis of Sligo. (signed) *Samuel Lloyd,*
Special Magistrate.

My Lord, St. Andrew's.

WITHOUT any exception the apprentices on the estates I have visited since your Excellency's directions to inquire, are working more grounds, and as well, if not better, than before the commencement of the apprenticeship.

Excepting the case of the Messrs. Chivannes, which I have written to your Excellency about, there is nothing worth notice to refer to on the state of my district.

I have, &c.

Garcia Royal, 9 March 1836. (signed) *St. Bourne.*

Old Harbour Market, St. Dorothy,
My Lord, 2 March 1836.

IN reply to your Excellency's circular of the 16th ultimo, I have the great satisfaction of informing your Excellency that the reports I have received from overseers, as far as I have gone, respecting the state of the negro grounds of their respective properties, is in the highest degree gratifying. The overseers of the following properties have reported the negro grounds to be in excellent order: Nightingale Grove, Lodge, Whim, Seven Plantations, Chateau, Longville, Murnee, Gully and Bodle's Pen.

I have, &c.

(signed) *Alexander N. Macleod,*
Special Magistrate.

I have been prevented by Mr. Willett's indisposition from inquiring particularly respecting Kelly's and Green Walk, but I have no doubt of your Excellency's having received gratifying information as to both those properties.

(signed) *A. N. M.*

Old Harbour Market, St. Dorothy,
My Lord, 9 March 1836.

I HAVE to state to your Excellency that the behaviour of the apprentices of this district has been satisfactory during the past week, with the single exception of Bushy Park, where I have been obliged to impose a penalty of three days' labour in the field gangs.

I have now visited every property since the receipt of your Excellency's order to report on the state of the negro grounds, and I feel the most cordial satisfaction in acquainting your Excellency that they were never known to be in better order.

I have, &c.

(signed) *Alexander N. Macleod,*
Special Magistrate.

No. 16.
Condition of the Provision Grounds.
JAMAICA.

My Lord, Fanachy Clarendon, 9 March 1836.

I HAVE the honour to lay before your Lordship a list of the estates in my district, all of which have been visited since I received your Lordship's circular, wherein your Lordship has been pleased to direct me to report the state of the negro provision-grounds on each, whether they have abundance of provisions, and if the cultivation is as good as before the 1st August 1834.

I have, &c
(signed) *John Gurley.*

Alexandria	Abundance; cultivation as good as on 1st August 1834.
Ashley's	Ditto ditto.
Clark's	Ditto ditto.
Ennet's	Ditto ditto.
Fountain	Ditto ditto.
Four Paths	Ditto ditto.
Kupens's	Ditto ditto.
Ludlow	Ditto ditto.
Low Ground	Ditto ditto.
Luckey Valley	The people have complained of their grounds having been trespassed on by the neighbouring properties' cattle, from which they are suffering.
Mullet Hall	Abundance; cultivation as good as in August 1834.
Mount Hindmost	Ditto ditto.
New ground	Ditto ditto.
Oakes's	Ditto ditto.
Old Plantation	Ditto ditto.
Pindar's River	Ditto ditto.
Pindar's Valley	Ditto ditto.
Pennant's	Ditto ditto.
Retreat	Ditto ditto.
Beckford's Rock River	Cultivation considerably extended.
Provost's R. River	Cultivation as good as in August 1834.
Rose Hill	Ditto ditto.
Sutton's	Ditto ditto.
Savoy	Ditto ditto.

EXTRACT of a Letter received from Mr. *Gurley*, dated 24th February 1836.

ON the properties where I have made particular inquiry as to the state of the negro provision-grounds, in obedience to your Lordship's circular of 16th instant, I am happy to report as follows:

Beckford's Rock Rivers: abundance of provisions, and cultivation considerably extends since the 1st August 1834.

Oakes: same as above.

Four Paths: abundance of provisions, and well cultivated.

New Ground: abundance of provisions, and well cultivated.

EXTRACT from Mr. *Gurley*'s Report, to 1st March 1836; Clarendon.

Beckford's River.	Oakes's.	Rapins's.
Mackine.	Lucky Valley.	Pennant's.
Myrtle Grove.	Crawl River.	Savoy.
Lanark.	Pindar's River.	Old Plantation.
The Burn.	Pindar's Valley.	Sutton's.
Ludlow.		

On the whole of these properties the people have abundance of provisions, and their grounds in the best state of cultivation. On most estates the cultivation has been very much extended since the 1st August 1834.

A STATEMENT of the Cultivation of the Apprentices' Grounds, in the Parish of Vere; 9 March 1836.

Amity Hall	The apprentices on this estate have good grounds, and attend to their cultivation; they have now plenty of corn and ground provisions.
Ashley Hall	The apprentices, except a few runaways, cultivate their grounds well; they have now abundance of corn and ground provisions.
Bracham Cottage	The Apprentices here have good grounds, and plenty of corn and provisions; they cultivate their grounds regular.

No. 16. Condition of the Provision Grounds.

JAMAICA.

Bog	The apprentices on this estate have the best grounds in the parish; they are also in the best possible order, and have plenty of provisions.
Baymacary Pen	The apprentices on this property have good grounds, and attend to the cultivation of their grounds regularly; they have now plenty of corn and provisions.
Bowen Hall	The apprentices on this estate have plenty of provision and good grounds; they attend to them as well as before the 1st August 1834.
Brazilletto	The apprentices have good grounds, and work them as well as formerly, except a few who do not attend regularly; they have abundance of provisions now on the estate.
Carlisle	The apprentices on this estate have got the best of grounds by the banks of a river, and have more provisions than they can consume; their grounds are in good order.
Casewell Hill	The apprentices on this estate have very good grounds, and generally attend regularly to their cultivation; some few do not; they have plenty of provisions now.
Chesterfield	The apprentices have very good grounds, and attend much the same as formerly to their cultivation; they have abundance of provisions now on the estate.
Dry River	The apprentices have good grounds allowed them, and attend, with some few exceptions, to their cultivation as well as formerly; they have now plenty of corn and provisions.
Dunkley's	The apprentices on this estate have more grounds than they had before 1st August, and have more provisions than they can consume; they attend to the cultivation.
Exeter	The apprentices have good grounds on this estate, and work them as well as before the 1st August; they have plenty of Guinea corn, and great room for sale now.
Gibbons	The apprentices on this estate have as much ground allowed them as they wish to cultivate; they have abundance of all kinds of provisions now, and attend to their grounds.
Greenwich	The apprentices on this estate have large grounds allowed them; they are in good order, and have plenty of provisions to dispose of.
Harmony Hall	The apprentices' grounds are in good order, and have plenty of provisions; I perceive no difference as to their work.
Hill Side	The apprentices have good grounds and plenty of provisions; they attend very regular on this estate to the cultivation of their grounds; they always get a large crop of Guinea corn here.
Knights	The apprentices on this estate have good grounds allowed them; the most of them cultivate them well; they have plenty of provisions and their grounds are in good order.
Milk Spring	The apprentices on this property have as much grounds allowed them as they wish to cultivate; they have them in good order, and have abundance of good provisions now.
Money Musk	The apprentices on this property have splendid grounds and attend to their cultivation regularly; they have both corn and provisions now to dispose of.
Moreland	The apprentices here in good seasons have plenty of provisions; they have good grounds allowed them, and in good cultivation now; they have plenty of corn and provisions now.
New Yarmouth	The apprentices, generally speaking, cultivate their grounds very well, and have now plenty of corn and ground provisions; they do fully as well as before the 1st August.
Old Yarmouth	The apprentices on this property cultivate as much ground as they wish; they have plenty of corn and provisions, and most of them attend to the cultivation of their grounds.
Paradise	The apprentices on this estate have as much land as they wish to cultivate; their grounds, with a few exceptions, are in good order, and they have now plenty of provisions.
Perrins	The apprentices on this property have good grounds and plenty of provisions; they generally attend to them on Saturdays, and I know they are now in good order.
Pusey Hall	The apprentices have the best of grounds, and plenty of corn and plantains now in their grounds; they work them fully as well as before the 1st of August.
Raymonds	The apprentices' grounds are in the best of order, and have plenty of provisions; they seem just as anxious to work their grounds as when they were in a state of slavery.

River Side - - -	The overseer on this property complains that the apprentices have double the quantity of land in cultivation more than necessary for their support; they have abundance of provisions.
Sandy Gully - - -	The apprentices here have as much ground allowed them as they can cultivate; they have plenty of provisions always, and attend to their grounds very regular of a Saturday.
Salt Savanna - - -	The apprentices have good grounds and in good order; they cultivate them regularly of a Saturday, and between shells; they have now plenty of provisions.
Spring-field - - -	Most of the apprentices cultivate grounds here very regular; those who do not I am frequently obliged to feed; they have now plenty of corn and provisions.
Straton Hall - - -	The apprentices have plenty of provisions, good grounds, and they work them well.
Sutton's Pasture - -	From the good grounds the apprentices have more provisions than they can consume.

Vere, 9 March 1836. (signed) *James Nolan*, Special Magistrate.

STATE of Grounds belonging to Apprentices, District of Special Justice *Grant*, Manchester.

Dunsinane - - -	As well cultivated and as great an abundance of provisions as before the 1st August 1834.
Fairfield - - - -	Ditto - - - ditto.
Glenhead - - - -	Ditto - - - ditto.
Greenland - - - -	Ditto - - - ditto.
Green Vale - - -	Not so well cultivated, and provisions not so abundant as before 1st August 1834.
Huntly - - - -	In a better state of cultivation and a greater abundance of provisions than before the 1st of August 1834.
Kingsland - - - -	As well cultivated and as great an abundance of provisions as before 1st of August 1834.
Lincoln and Spice Grove -	Ditto - - - ditto.
Mount Prospect - - -	Better cultivated, and a greater abundance of provisions than before 1st August 1834.
Maidstone - - - -	Not in good order, but as well as before the 1st August 1834.
Mons - - - -	Better cultivated, and provisions in a much greater abundance than before the 1st August 1834.
Red Bank - - - -	Not so well cultivated, or so great an abundance of provisions as before the 1st August 1834.
Shire Hampton - - -	As well cultivated and as great an abundance of provisions as before 1st August 1834.
Spur Tree - - -	Ditto - - - ditto.
Wilderness - - -	Better cultivated, and provisions in greater abundance than before 1st August 1834.

(signed) *J. W. Grant*, Special Justice.

Mile Gulley Pen, Manchester,
9 March 1836.

My Lord,

I HAVE the honour to forward my diary for the last week.

I am happy to inform your Excellency, that the state of this district is most satisfactory; the negro population generally disposed to industry and labour in their own time, and that mutual understanding, so much to be desired between master and apprentice, becoming daily more intimate.

At Battersea, Hanbury, Kendal, Blue Mountain, Bellfield and Bellair, the negro grounds are all well cultivated and abundant.

May-day, Bloomfield, Daly's Grove and Brumalia in the Mandeville district are reported as not so well cultivated as before the 1st of August.

Your Excellency will find by my diary, that in my own district there have been no complaints on the six properties visited this week.

I have, &c.

To his Excellency the Marquis of Sligo. (signed) *W. H. Alley*, S. J.

EXTRACT from a Letter received from Capt. *Alley*, dated Manchester, 1 March.

The Negro Grounds.

Spitsbergen - - -	Very extensive, and kept as well as before 1st August 1834.
Robin's Hall - - -	Not so well as before the 1st August 1834.
Chudleigh - - - -	Abundance, as well as before 1st August 1834.

No. 16.
Condition of the Provision Grounds.
Jamaica.

Devon	Very good, and as well as before 1st August 1834.
Struom Castle	Not so well cultivated as before 1st August 1834.
Sedbury and Rendal	Good, and as well kept as before 1st August 1834.
Christiana	Not so well kept as before 1st August 1834.

My Lord, Warwick, 24 February 1836.

In reply to the circular of your Excellency's secretary, as regards the state of the negro grounds in this district, I beg to state, for your Excellency's information, that all the negroes in this district have ample grounds and provisions, and that instead of any complaint of the planters of insufficiency, they regret the negroes being able to grow so much as they do for sale, and that they have so much land at their disposal. In fact, such is the quality of provision-ground here, that the negroes grow a great deal more than they require, there being always a demand for it from the shipping, from the lowlands, and from the other parts of the parish; they also sell largely to the police.

I have, &c.

His Excellency the Marquis of Sligo. &c. &c. &c.

(signed) *Arthur Welch*, S. J.

State of Provision-Grounds in the district of Special Justice *E. D. Baynes*, St. John's, 1836.

NAME of ESTATES.	Present State of Grounds.	Comparative Cultivation with that Previous to 1st August 1834.
Brown's Hall	in good order	quite as good as formerly.
Cedar Mount	in high cultivation	in as good order as formerly.
Clifford's	in excellent order	ditto ditto.
Content	in fair order	nearly as good as formerly.
Fuller's Rest	in good order	quite as ditto.
Hermitage	ditto	nearly as ditto.
Neau de Bolas	in fair order	much the same as formerly.
Lennox Hall	in good order	ditto ditto.
Mountain River	in fair order	as good as formerly.
Mount Pleasant	in good order	ditto ditto.
Point Hill District	ditto	ditto ditto.
Prospect	very indifferent	not at all improved.
Retirement	in good order	as good as formerly.
Red Hill District	in fair order	much the same.
Pleasant Hill	ditto	ditto.
Water Mount	extensive and in excellent order	quite as good as formerly.
Retreat	in extremely bad condition	much worse than formerly.

Continuation of E. D. Baynes' Report.

Belmont	in good order	no difference.
Taylor's Crawle	ditto	ditto.
Giblatore	generally good	ditto.
Mendes	in fair order	much the same.
Lloyd's		can procure no information from the manager; the grounds are very extensive, and would take a fortnight to visit.
Mount Pleasant	in good order	as before.
Point Hill Properties	in very good order in general	no difference.
Spring Mount	in good order	ditto.
Spring Vale	in excellent order	ditto.

N.B.—It is to be observed, that almost on every property there are several bad characters who have never been in the habit of cultivating grounds, and who still prefer, at the risk of detection and punishment, preying on those of the honest and industrious.

(signed) *E. D. Baynes.*

No. 16.
Condition of the Provision Grounds.

JAMAICA.

A REPORT on the State of the Negro Provision-Grounds on the Properties in Special Justice *Harris*'s District, St. Thomas's Vale, visited on 22d and 23d February 1836.

Pleasant Farm.—Mr. Butler, the overseer, says that the apprentices have plenty of provisions; he considers the cultivation of their grounds better now than previous to the 1st August 1834.

Charle Mount.—Mr. Hobbins, the book-keeper, states that the negro provision-grounds are in high cultivation; they have a great quantity of provisions; grounds are in a better state of cultivation now than previous to 1st August 1834; the book-keeper frequently visits the grounds.

Stirling Castle.—Mr. Kinkead, jun., the overseer, states that the apprentices have abundance of provisions; the cultivation of their grounds is well attended to; the overseer frequently visits the same. Those idle apprentices who formerly would not work grounds, are now in that respect industrious, and have excellent grounds; considers the cultivation of their grounds better now than previous to 1st August 1834.

Byndloss.—Robert Allan, the overseer, states that the apprentices have plenty of provisions; with a few exceptions, their grounds are in a high state of cultivation. Overseer thinks they have not so great a quantity of land in cultivation now as previous to 1st August 1834, but they have abundance for their own consumption; some few do not work grounds, preferring to labour for their fellow-apprentices, and to be paid in bread-kind for their labour.

Orangefield.—Mr. M'Dermott, owner, states that the apprentices have abundance of provisions for their own consumption; their grounds are pretty well cultivated, but not so much so as could be wished; nor are they considered as much cultivated as previous to 1st August 1834.

Treadways.—Mr. Russell, the overseer, states that the negro provision-grounds are in the finest state of cultivation, better than any the proprietor possesses on the estate, and their grounds have of late become an object of more serious consideration to them than the well-doing of the proprietor's cane-fields; further, their grounds were in some measure neglected in 1834, with all the advantages they now possess, as respects new land.

Raza Mount.—Mr. M'Donald, the overseer, states that there is no complaint of want of provisions among the apprentices, but that the grounds are not in that state of cultivation that they were in previous to 1st August 1834; they, the apprentices, have since mostly cultivated small gardens, and for the last several months the major part of the people have been in the habit of hiring themselves out to labour on neighbouring properties for money; in consequence their grounds do not receive that attention from them that should be paid. It is apprehended the apprentices will ere long materially neglect the cultivation of their grounds, particularly if they can continue to procure employment in their own time for money.

Mulloch.—Richard Johnston, constable and overlooker, states that the apprentices are attending well to their grounds; they have a good deal of provisions; the grounds are worked as well now as in the old time.

REPORT on the State of the Provision-Grounds of the Negroes on the Properties in the District of Special Justice *Harris*, St. Thomas-in-the-Vale, visited between 24th February and 1st March 1836, inclusive.

Palm.—The negro grounds on this property having been some time since trespassed upon and damaged by the cattle from a neighbouring property, that the apprentices are now in a great measure abandoning their old grounds and cultivating enlarged gardens; the apprentices have a sufficiency of provisions for their own support, and when the new grounds they are establishing as gardens yield their harvest, the apprentices will have abundance of provisions. There are a few of the apprentices of an idle wandering unsettled spirit, who under the old system could not be made to keep a ground in cultivation, who have now no established grounds, and who live by carrying on a petty system of plundering, and the gathering cocoa-nuts and other different fruits as they come in season, and taking them to market for sale; or if a fit of industry should occasionally seize them, they would labour for their fellow-apprentices for a while. As to these the law will be put in force, but it is apprehended that the property will have not only to establish grounds, but to keep them in cultivation; for by their indolence and neglect during their own time, the grounds thus established would soon run into ruin; and the law points out no coercive power to ensure their labour in their grounds in their own time.

Recess.—Mr. Gyles, the owner, says that his property is a very grateful yielding-place for provisions; that his apprentices have a quantity of provisions, and that he considers that his apprentices generally have their grounds in as good a state of cultivation now as previous to the 1st August 1834.

Dover Castle.—Philip Read, a constable and head-man, says that the people on this property for the last 10 years and upwards had established grounds, by consent, on an adjoining property; that they have all along had good gardens on Dover Castle; that about two months since the proprietor of the adjoining property gave the overseer of Dover Castle notice that the apprentices must quit, which the negroes were not unwilling to do, as latterly they had been much disturbed by trespasses of cattle. Since then they have been opening grounds on Dover Castle, and are industriously engaged in establishing new grounds; their gardens being good, they, the apprentices, have from thence, and with the assistance of a market close by, a comfortable support. When the new grounds come

No. 16. Condition of the Provision Grounds.

Jamaica.

in they will again have abundance, not only for their own consumption, but for sale. I do not perceive any want of industry among the people in attending to their grounds now; they are as industrious now as they were before the 1st August 1834.

Rose Hall.—James Graham, constable, says that the grounds the negroes had in the mountains, are about seven miles off (the people say they are too far off); there are none of them working their mountain-grounds, but they are working very large gardens; they have plenty of provisions in; they are now working their gardens as industriously as they worked their mountain land before the 1st August.

Tulloch.—William Richardson, book-keeper for the last three years on this property, says that the negroes have a great abundance of provisions; that they have a quantity of land in cultivation; that he frequently inspects their grounds, and observes they are in a fine state of cultivation, and kept quite clean; that he considers their grounds more extensive, and fully as well cultivated as previous to the 1st August 1834.

Enfield.—William Smith and Francis Graham, constables, state the negroes on Enfield have plenty of provisions; they are in no want of provisions. The negroes work their gardens well; they also work their grounds, but not so much so as they work their gardens; some work only their gardens; they work large gardens. Those who work their grounds, work them as well and as much as in the old time, before the 1st August.

Berkshire Hall.—Mr. De la Motte, book-keeper, states the negroes on this property have a great abundance of provisions; they sell a good deal; provisions are bought from them for the overseer's house; they keep up the cultivation of their grounds, which are in a capital state of cultivation; they are as attentive to the working of their grounds as formerly; there are three or four who do not work their grounds, but attend to the care of their gardens; there are others, about half-a-dozen, who prefer attending the markets, and bartering fruit for provisions, and occasionally working for others; these do not care for tilling the land.

Richmond Hill.—Mr. Duncan M'Pherson, overseer, says the apprentices have abundance of provisions; they sell a good deal. Their grounds are in very good cultivation; he frequently visits them, and he considers that the negroes' grounds are as well cultivated now as before the 1st August 1834.

Spring Farm.—Mr. Godfrey, overseer, says the apprentices on this property have abundance of provisions, and sufficient for sale. The greatest part of the apprentices cultivate their grounds very well, and the grounds are in as fine a state of cultivation as they were formerly, before the 1st August 1834. There are three men who are married, and live with their wives on adjoining properties, and it is believed they work their wives' grounds, as the custom is among the negroes, for they are seen bringing baskets of provisions frequently to their houses here.

Cotswold.—Mr. Henry Rees, overseer, states the apprentices have abundance of provisions; no complaints of any want. Those who cultivate grounds on the property have very flourishing provision-grounds; they dispose of provisions. Some of the apprentices, men and women, have wives and husbands off the property, who cultivate the grounds of their partners with whom they live. There are some who now have no new grounds in cultivation, depending upon the ruinate provision-grounds.

Bybrook.—Charles M'Leod, head carpenter, states that before the 1st August 1834 the people had very good negro grounds, but since then about half the people have greatly given up their grounds, and turned their attention to their gardens; that the other half still cultivate their grounds, but not so well as before the 1st August 1834; that they also have good gardens; that all the people work their gardens now quite as well as they worked their grounds before time; that they have provisions for their own consumption, but not in great abundance, in consequence of having so given up their grounds and taken to their gardens; that the land on which they had their negro grounds before August 1834 having been in dispute for awhile, during which time their grounds were much trespassed upon, was the principal reason that induced them to think of paying more attention to their gardens.

Shenton.—Thomas Higson, head carpenter, states that at this present time only about 20 of the apprentices keep up their grounds besides their gardens; they have provisions sufficient to make them comfortable, and they work their grounds and gardens as well and as industriously as when they were slaves. All the others do not work their grounds, they only work their gardens, and with what they yield, and the different fruits as they come in season, and with such salt things as they may occasionally get, they go to market, and make out a living that way; but which means of subsistence is considered precarious, and not sufficient. From the 1st August 1834 to 1st August 1835, the apprentices kept up their grounds pretty well, but since then a good many of their days being taken away from them by the then overseer bringing them before the magistrate, and the distance of the ground, nine miles, and the working them eight hours, and the idleness of some of the people, caused those who gave up their grounds to do so. *N. B.*—This property has very recently changed managers, and measures are about being adopted that, with the assistance of the law in this respect, if necessary, the whole of the apprentices will shortly have excellent grounds.

Mickeleton.—Mr. Wheeler, the overseer, states that the apprentices have provisions for their own consumption, but nothing to spare; that he does not consider they work their grounds as well now as they did previous to the 1st August 1834. Some few of them properly attend to the cultivation of their grounds, and in consequence have excellent grounds; but the major part of them chiefly depend on their gardens (which are not considered sufficient for their support), and the resorting to the markets with fruit. There are two or

three

three individuals of an idle and incorrigible character, who never could be made to keep a ground in cultivation, and they are not a bit better at the present day. The law must be enforced against these.

Wallen's.—When I visited this property on the 25th February last, I did not see any one who could give me the necessary information; in consequence I addressed Mr. Lowndes, the attorney, by letter twice; and he sent the following written reply:

Dear Sir, St. Thomas' Vale, 5 March 1836.

I have received your favours of 27th February and 4th March. I have had no complaints of want of provisions; but not having visited the grounds since 1st August 1834, cannot afford you the information you require.

I am, &c.

To James Harris, esq. (signed) *H. Lowndes.*

New Works.—I also visited this property on 25th February; but not being able to pro cure any information as to the negro grounds, I wrote to the overseer, who sent the following written answer:

Dear Sir, New Works, 4 March 1836.

I am in receipt of your favour, and am sorry to say it is out of my power to give you the information you require as to the state of the negro grounds on this estate; all I can say is, that they have abundance of land, if they choose to cultivate it; but I really have never inquired whether they did so or not. I can state, from my own observations, that they appear to have very good gardens, and are extending them daily. I do not know if they have abundance of provisions, but they never complained to me of want.

I am, &c.

To James Harris, esq. (signed) *E. Rees.*

Knollis.—For the same reasons as above, I was obliged to write for information, and received the following reply:

Dear Sir, Knollis, 5 March 1836.

Your former note, I am sorry, was mislaid, which prevented me from answering you previous to this. I am now happy to inform you that I have had no complaints about the want of provisions here, and I know that the people are working their grounds and putting more land in provisions than formerly.

I am, &c.

To James Harris, esq. (signed) *Alex. G. Keer.*

Doree Hall.—I was also obliged to write to the overseer thereof, who sent the following reply:

Dear Sir, 4 March 1836.

I beg leave to inform you that your note of last Friday was delivered to me, and the same was handed to Mr. Bryan Edwards, he being here at the time: he said it was not at all necessary to answer the questions stated in your note, or you would have had an answer.

I am, &c.

To James Harris, esq. (signed) *E. Edwards.*

Mount Idalia.—Indisposition prevented my visiting this and the two following named properties on 2d March inst.; in consequence I wrote to the different overseers, who sent replies.

Dear Sir, Mount Idalia, 4 March 1836.

Your letter of the 2d instant I have received, respecting the apprentices' grounds on this property. From all I can learn from the constables of this property, some of the apprentices have got good grounds, and the rest very indifferent ones; and others, that are married abroad, are working grounds abroad, and not on the property. Some of the apprentices hire themselves out on Fridays and Saturdays for wages, and take the money to purchase bread kind for the week. I do not think that, with all the time they now have, they have any more bread kind than formerly. I consider that they were much better off in 1834; for the more time they have now, the less use they put it to; they ramble about now more than they used to do when they had less time allowed them.

I am, &c.

To James Harris, esq. (signed) *Benjamin Williams.*

My dear Sir, St. Clair, 6 March 1836.

In answer to your note of the other day, I must first state that it is my opinion that the questions asked are not authorized by the Abolition Law; nor are managers required to overlook the provision-grounds of apprentices, as under the Slave Law; nor have I paid that attention to them as formerly: however, I do not hesitate to give a gentlemanly answer to a gentlemanly question, especially as I see no manner of harm in the questions. I answer then to your first question, it is beyond a doubt that the apprentices on St. Clair have an abundance of provisions for their own use and to spare, with a few exceptions, and are in a fair way of acquiring plenty shortly; at present they are indifferently well off. Secondly, they are as well cultivated as before the 1st August, but certainly not better; nor are they using their extra time for this purpose; that allowed them under the old Slave Law being more than sufficient for this purpose, *i. e.* that of maintaining themselves.

I remain, &c.

To James Harris, esq. (signed) *W. S. Tomlinson.*

No. 16.
Condition of the Provision Grounds.

JAMAICA.

Dear Sir, Lemon Ridge, 5 March 1836.

In reply to your request as to the state of the land occupied by my apprentices, I have to state that they have abundance of provisions, and their grounds are in a good state of cultivation, with the exception of some individuals, who never did and never will cultivate land for their subsistence.

I remain, &c.

To James Harris, esq. (signed) *Thomas Edbury.*

Thetford.—Mr. Bourn, overseer, and William Smith, head constable, state, that the apprentices have plenty of provisions, so much so that almost all of them can afford to sell. They cultivate their grounds equally as well as before the 1st August 1834; they also take great pride in having good houses and gardens.

Worthy Park.—T. W. Bullock, overseer, and James Anderson and Richard Henry, constables, state that, with a few exceptions of indolent characters, the apprentices on this property cultivate their grounds and gardens well; plenty of provisions in them: that they are abundantly supplied with provisions, and that they cultivate their grounds fully as well as previous to 1st August 1834: that the indolent and idle characters only partially work their grounds, depending in a great measure on the different fruits and yams, and occasional depredations on their masters' cane-fields, or on the grounds of their more industrious fellow-apprentices.

Swansea Estate.—Joseph Grose, overseer, states that the greater number of the apprentices on this estate have good grounds and gardens, and plenty of provisions, and attend to their grounds well now, but not so well as formerly; but there are a great number of the young people who neglect the cultivation of their grounds very much, consequently a number of depredations on the grounds of the good and well-disposed are committed; the law will be enforced against the lazy ones.

Swansea Coffee Mountain.—J. Grose states the apprentices on this place, with the exception of some indolent ones, have good grounds and gardens and plenty of provisions, and attend to them well, but not so much so as formerly; the indolent ones do little, and nothing in their grounds.

Blue Mountain.—J. Grose considers that the remarks relative to Swansea Coffee Mountain may with propriety be applied to this property.

River Head.—Robert Aldred, constable, states that a great part of the apprentices have good grounds and gardens, and plenty of provisions; they work their grounds now as well as before time. The others have very indifferent grounds, and some indifferent gardens also; they have a little provisions, but rather scarce; they hire themselves out very frequently for 2 *s.* 6 *d.* a day, and go to market with the money; they do not pay much attention to their grounds.

Charlton.—S. Guthrie, overseer, and William Walters, constable, state the apprentices on this property have abundance of provisions, but they principally work extensive gardens, and they attend their gardens or grounds regularly for the purpose of cultivation, and they cultivate the same equally as well now as under the old system, and in fact better; they seem to prefer cultivating large gardens round their houses rather than their grounds in the mountains, a distance not exceeding three miles; the apprentices were first induced to enlarge the cultivation of their gardens, and not pay the usual attention to their mountain grounds, in consequence of the repeated trespasses of the cattle of a neighbouring property.

REPORT respecting the State and Cultivation of Provision-Grounds, Special Justice *Jones'* District, St. Thomas-in-the-Vale.

Properties Visited.	Whether they have plenty of Provisions.	If the Grounds are as well cultivated as before 1st August 1834.
Golden River	abundance	better.
Rent Comb	ditto	ditto.
Prospect West	ditto	about the same.
Hyde	plenty of fruit & provisions	the same.
Berwick	generally speaking plenty	the same.
Neus Hall	plenty	much the same.
Hog Hole	abundance	ditto.
Hillside	ditto	better.
Mount Industry	ditto	ditto.
Glengoff, Belgar, Lucky Hill	ditto	on these properties the apprentices have an almost incredible quantity of provisions in cultivation.
Mount Concord	ditto	much the same.
Mount Matthews & Cassava River	ditto	ditto.

(signed) *T. Walkins Jones,* Special Justice.

No. 16.
Condition of the Provision Grounds.
JAMAICA.

Upon all coffee properties the apprentices have a quantity of ground in cultivation for provisions, some 8 or 12 acres; this I think impolitic, for this reason, that they will never work in their own time for their masters, while they have such an indulgence extended towards them. I have even heard of persons (apprentices) employing others in their own time, when they would not work for their "massa," so great was the extent of ground cultivated by the apprentices employing.

(signed) *T. Walkins Jones*, Special Justice.

2 March 1836.

REPORT of the State of Provision-Grounds, Special Justice *Ewart*, District of St. Thomas-in-the-East.

Pembroke Hall,	well cultivated, exception three or four.
Stanton - -	ditto - - - ditto.
Green Wall -	ditto - - - ditto.
Creighton Hall -	ditto - - - ditto.
Wood Hall -	ditto - - - exceptions two or three.
Mount Champney	ditto - - - ditto.
Middleton - -	ditto - - - ditto.
Stony Gut - -	ditto - - - ditto.
Burrowfield -	ditto - - - ditto.

Information obtained from overseers.

21 March 1836. (signed) *D. Ewart*, S. J.

AN account of the State of the Grounds belonging to the Negroes on the following Properties in the District of Special Justice *Dunne*, in the Parish of St. David, viz.:

Sheffield - - - -	Grounds as well attended to as at any former period, if not better; provisions in abundance.
Manheim - - - -	Same.
Belleblare - - - -	—
River Head - - -	—
Cocoa Walk - - -	—
Minto - - - -	—
Sherwood Forest - -	—
Woburn Lawn - - -	—
New Battle - - -	—
Friendship Retreat - -	—
Mount Pleasant - - -	—
Ayton - - - -	—
Carrick Hill - - -	—
Radnor - - - -	—
Hermitage - - - -	—
Windsor Forest - - -	—
Fair Prospect - - -	—
Norriss' - - - -	—
Swamps - - - -	—
Albion - - - -	—
Lloyd's - - - -	—
Æolus Valley - - -	—

8 March 1836. (signed) *Patk. Dunne*, S. J.

STATE of the Negro Grounds, Port Royal Mountains and Upper part of St. David's, 1 March 1836.

NAMES of the PROPERTIES.	Parish.	Whether they have Abundance of Provisions, and if their Grounds are as well Cultivated as before 1st August 1834.
Chester Vale - - -	Port Royal	excellent grounds, having abundance of provisions; better cultivated than before 1st August 1834.
Industry - - - -	—	grounds not quite so productive, but equally well cultivated as before 1st August 1834.
Clydesdale - - -	—	grounds having become unproductive, a large piece of ground was purchased about six months since in St. George's, at the request of the negroes, which they are now cultivating.

(*continued*)

No. 16.
Condition of the Provision Grounds.

JAMAICA.

NAMES of the PROPERTIES.	Parish.	Whether they have Abundance of Provisions, and if their Grounds are as well cultivated as before 1st August 1834.
Resource	Port Royal.	have excellent grounds in St. George's, and are as well worked as before August 1834.
Pleasant Hill	—	have abundance of provisions, and equally well cultivated as before August 1834.
Mount Hybla	—	have abundance of provisions in their grounds; as well worked as before August 1834.
Hall's Delight	—	have good grounds, and are as well cultivated as before August 1834.
Westphalia	—	have plenty of provisions, and their grounds better cultivated than before 1st August 1834.
Berwick	—	have abundance of provisions, and their grounds better cultivated; are every day extending them.
Strawberry Hill	—	have abundance of provisions both for their own use and market traffic; grounds better cultivated.
Robertsfield	—	have abundance of provisions, and equally as well cultivated as before 1st August 1834.
Bryant's Hill	—	have abundance of provisions and grounds equally well cultivated.
Old England	St. David's.	have every reason to believe they have plenty of provisions, and their grounds as well cultivated as before August 1834.
Sheldon	—	have provisions in abundance, and are cultivating more grounds than before 1st August 1834.
Penlyne Castle	—	grounds deteriorated and not so productive, but equally well cultivated as before August 1834.
Farm Hill	—	have good grounds and equally as well cultivated as before August 1834.
Whitsfield Hall	—	have good grounds, and as they are daily extending them, it is but fair to infer they are as well cultivated.
Abbey Green	—	have abundance of provisions, and are daily extending their grounds.
Hibernia	—	have good grounds, and are as well cultivated as before August 1834.
Somerset	—	have good grounds, and as well cultivated as before August 1834.
Epping Farm	—	have good grounds, and as well cultivated as before 1st August 1834.
Mount Faraway	Port Royal	have good grounds, and equally as well cultivated as before August 1834.
Pimento Grove	St. David's.	have excellent grounds at Shooting River, and are as well cultivated as before August 1834.
Clifton Mount	St. Andrew's.	have good grounds, and equally as well cultivated as before 1st August 1834.

(signed) *H. Kent*, Special Justice.

STATE of the Negro Grounds, District of Special Justice *Hamilton*, Port Royal Mountains.

Extract from Mr. Hamilton's Diary to 29 September 1835.

Little Hope.	Trafalgar.	Orchard.
Habustadt.	Hopewell.	Mocho.
Lower Lucky Valley.	Petersfield.	Drummond Castle.
Good Hope.	Washington.	Dollas Castle.

Provisions in abundance; grounds in a high state of cultivation, better than before 1 August 1834.

Mr. *Hamilton*'s Report.

22 February.—Glenfuilas: provisions plentiful; grounds said to be in good order, same as before 1 August 1834. Some of the apprentices cultivate two extra grounds for corn and peas, independent of their original ground for provisions.

My Lord, Lower Lucky Valley, Port Royal, 1 March 1836. No. 16.

I have the honor herewith to transmit my report for the past week, together with a list of properties visited during the last month, and declaration of postage incurred to 29th ultimo. Condition of the Provision Grounds.

There has been nothing to alter the favourable opinion I entertain of the good conduct of the apprentices in this district; they are going on steadily. The unsettled state of the weather has in a great measure prevented most of the properties completing their crop. JAMAICA.

I have made the most minute inquiry relative to the state of the grounds belonging to the negroes, whether they are in as high state of cultivation now as before the 1st August 1834, and I have been credibly informed by the overseers and constables that they are in a flourishing state, so much so that on many properties (where much industry prevails), many of the apprentices possess three grounds; they cultivate principally provisions, peas, corn and vegetables. There are, however, I am sorry to state, a few indolent characters on most properties that will not cultivate their grounds at all, although they have had lands given to them; they consider it more advantageous by hiring themselves to other apprentices to convey their loads to market, thereby their grounds have become totally neglected. I have however impressed upon them the propriety of cultivating the lands assigned to them.

I have, &c.

To his Excellency
The Marquis of Sligo.
&c. &c. &c.

(signed) *C. Hamilton*, Special Justice.

EXTRACT from Mr. *Hamilton*'s Diary to 7 March 1834.

Mount Elizabeth.—Provisions plentiful; grounds in as good state of cultivation as on 1 August 1834.

Violet Bank.—The apprentices on this property are quite averse to cultivating their grounds in provisions; principally a little peas and corn.

Penhill.—Provisions plentiful; excellent state of cultivation; better than before 1 August 1834.

Mahogany Vale. Ditto.
Windsor Lodge. Ditto.
Green Valley. Ditto.
Chesterfield. Ditto.
Eleven-Mile Tavern. Ditto.

REPORT upon the state of the Negro Provision-Grounds, as required by the Circular Letter, dated 31 January 1836, District of Special Justice *Fishbourne*, St. George.

Albany and Mount Vernon.—The people have plenty of provisions, but they do not cultivate their grounds as well as formerly.

Belvidere.—The same as the above.

Buff Bay River.—Some have plenty, while others have little or none; no person wants food, because they work extra time for money. The grounds have not been inspected since August 1834.

Cottage.—The people appear to have plenty of provisions, for they sell every week at Annotto Bay market. As the grounds have not been regularly inspected since August 1834, no opinion can be given as to the state of cultivation of them.

Craigmills and Strathneva.—Some have plenty, some have none. The head driver and constable tell me that the people do not care to put in provisions, which are almost sure either to be stolen or destroyed by the cattle. Thievery is very common here.

Devon Pen.—The people here have so much provisions that they sell large quantities; the grounds have not been inspected lately.

Dover.—The people seldom go to their grounds on Saturday till 11 or 12 o'clock. The soil is very prolific, but the cultivation is not as good as formerly; the people complain of the cattlemen allowing the cattle to trespass on their grounds.

Evandale.—The industrious have great quantities, but the indolent have only enough to live upon: all could have plenty were they inclined, for the ground is excellent.

Epsom and Content.—The people sell large quantities; there is no want of food.

Fort George.—The soil is well adapted for growing provisions; the people have so much to spare that many of them carry large quantities every week to Kingston-market and Annotto Bay.

Fort Stewart.—The negroes have a large tract of land well suited for provisions; the idle alone have not plenty. There are a few old, helpless and sickly people fed by the estate. Complaints are made by the people against the cattlemen and watchmen for allowing trespasses.

Gibraltar.—There is no complaint of a want of food; the grounds have not been inspected since August 1834.

Golden Grove.—The same as the above.

No. 16.
Condition of the Provision Grounds.
JAMAICA.

Gray's Inn.—The people here may have plenty of provisions if they will cultivate ground, which is very good; many have excellent grounds, and the cultivation is about as good as formerly; but some prefer to carry grass and wood for sale in Annotto Bay. There is no want of food, although some do not work grounds. A few helpless old, without families, and very young children without parents, are fed and clothed by the estate.

Good Hope.—The people may cultivate as much provisions as they like in land as good as can be; one or two prefer to live by thievery rather than work grounds.

Hart Hill.—The industrious have plenty of ground well cultivated, and the idle only sufficient. As the people work extra time for money there is no want. Robbery is so common, that many are discouraged, and many complain that cattle are allowed to trespass.

Hermitage.—The same as at Good Hope.

Harmany Hill.—The same as at Belvidere.

Ller Bouale.—The same as at Cottage.

Mammer Hill.—The same as at Good Hope.

Osborne.—The grounds are excellent, and provisions plenty; only a few have not provisions of their own, but they work in other people's grounds for food.

Pontefract.—The same as at Cottage.

Prior Park and Vinery.—The same as Belvidere.

Richmond Castle.—The people have plenty; the soil is excellent, but no opinion can be given of the state of cultivation.

Riddington.—The people here have very good grounds, and as they have been very little employed for the last three years, they are able to sell large quantities; cattle and hogs trespass very much.

Williamsfield.—The same as at Devon Pen.

Windsor Castle.—The same as at Dover; the people complain of the cattlemen allowing the cattle to trespass.

White River.—The people have plenty of provisions; the grounds have not been inspected since the present overseer was appointed.

Woodstock.—Although the grounds have not been regularly inspected, there appears to be very little provisions in them. There is no complaint made of want, except by a few worthless runaways and thieves who will not work grounds; they work extra time and are fed by the estate; complaints are frequently made by the people against watchmen and cattlemen for allowing the cattle to destroy their provision-grounds; thievery is very common here.

(signed) *E. Fishbourne*, Special Justice.
1 March 1836.

His Excellency
The Marquis of Sligo,
&c. &c. &c.

My Lord, Mount Holstein, St. George, 2 March 1836.

I have the honour to forward my weekly and monthly reports, and to inform your Excellency that the apprentices are behaving extremely well; notwithstanding the bad weather they go cheerfully to work. The undermentioned properties have an abundance of negro grounds, and are far superior to what they were before the 1st August 1834: Balcarras, Birnan Wood, Mount Pleasant, Mount Holstein, Silver Hill, Mahoe, Smithfield, Lovely Grove and Willinford.

I have, &c.
(signed) *R. St. John*, Special Justice.

His Excellency
The Marquis of Sligo,
&c. &c. &c.

Appendix, No. 17.

STATEMENT showing the APPROPRIATION of 20,000 *l.* and 5,000 *l.* voted by Parliament in 1835, in Aid of the ERECTION of SCHOOL-HOUSES and NORMAL SCHOOLS.

NAME of SOCIETY or other Co-operating Agency.	COLONY.	Number of School-Houses.	Estimated Number of Scholars.	Proportion defrayed by Parliamentary Grant.	Defrayed from the Funds of Society or other Source.	TOTAL COST.	Statement of Applications for Aid, now before the Colonial Department, which have not been complied with, the Parliamentary Grant for 1835 being exhausted (B).
				£.	£.	£.	
Society for the Propagation of the Gospel.	Jamaica	12	1,725	-	-	-	
	Caymanas	1	110	-	-	-	
	Bahamas	1	80	-	-	-	
	Honduras	1	80	-	-	-	
	Barbadoes	10	1,220	-	-	-	Schools.
	Tobago	1	140	-	-	-	Jamaica - 14
	St. Lucia	1	140	-	-	-	Bahamas - 1
	Grenada	1	130	-	-	-	Barbadoes - 10
	Carriacou	1	200	-	-	-	Tobago - 1
	British Guiana	5	990	-	-	-	St. Lucia - 2
	Antigua	7	1,020	-	-	-	Grenada - 1
	Montserrat	1	140	-	-	-	Dominica - 1
	Barbuda	1	140	-	-	-	Bermudas - 2
	St. Kitts	1	140	-	-	-	Antigua - 25
	Nevis	1	140	-	-	-	Montserrat - 1
	Anguilla	1	140	-	-	-	St. Kitts - 1
	Virgin Islands	1	140	-	-	-	
	Dominica	2	280	-	-	-	
	Bermudas	3	420	-	-	-	
		52	7,395	7,500	3,750	11,250	
Church Missionary Society.	British Guiana	4	400	-	-	-	
	Trinidad	2	200	-	-	-	
	Jamaica	9	1,800	-	-	-	Jamaica - 8
		15	2,400	2,500	1,250	3,750	
Wesleyan Missionary Society.	Antigua	2	470	-	-	-	
	Dominica	2	*230	-	-	-	
	Montserrat	1	* 60	-	-	-	
	Nevis	1	200	-	-	-	Antigua - 1
	St. Kitts	1	100	-	-	-	Dominica - 1
	Tortola	1	130	-	-	-	Montserrat - 3
	Bermudas	1	200	-	-	-	Nevis - 3
	St. Vincent	1	300	-	-	-	St. Kitts - 1
	Grenada	1	150	-	-	-	Tortola - 1
	Barbadoes	2	200	-	-	-	British Guiana - 4
	British Guiana	2	200	-	-	-	Bahamas - 2
	Bahamas	2	300	-	-	-	Barbadoes - 3
	Jamaica	2	200	-	-	-	
		19	2,740	3,000	1,500	4,500	
London Missionary Society.	Jamaica	8	900	-	-	-	Jamaica - 3
	British Guiana	8	1,100	-	-	-	British Guiana - 14
		16	2,000	3,000	1,553	4,553	
Moravian Missionary Society.	Tobago	1	200	-	-	-	Tobago - 1
	Barbadoes	2	400	-	-	-	Jamaica - 6
	St. Kitts	1	500	-	-	-	St. Kitts - 2
	Antigua	1	150	-	-	-	Antigua - 3
	Jamaica	3	540	-	-	-	
		8	1,790	1,500	750	2,250	
Baptist Missionary Society.	Jamaica	4	770	-	-	-	Jamaica - 1
		4	770	1,100	1,270	2,370	Bahamas - 1
Ladies Negro Education Society.	Antigua	1	*220	-	-	-	Antigua - 2
		1	*220	120	215	335	British Guiana - 1
							Mauritius - 1
							Jamaica - 1
Governor of Trinidad	Trinidad	3	*450				
		3	*450	500	(A) 250	750	
Trustees of the Mico Charity.	Mauritius	6	*900				
		6	*900	780	780	1,560	
	TOTALS	124	18,665	20,000	11,318	31,318	

(*) No special estimate having been furnished to this office of the numbers marked thus (*), the several amounts are calculated on the average proportions borne to the expense, and are assumed.

(A) Trinidad being included in the estimate of only one society, it has been thought proper to place at the disposal of the Governor 500 *l.*, to be applied in aid of voluntary subscriptions or grants of the colonial legislature for building school-houses. £. 250 is assumed as the average proportion borne to the Parliamentary Fund by other sources of contribution.

(B) It is understood that some of the societies have not made applications commensurate with their means of co-operation with His Majesty's Government, in consequence of not having been sufficiently prepared in the course of the last year with the requisite local information. It has been, however, intimated that they will be prepared to increase the number of their applications in the course of the present year. The Scottish Missionary Society have sent in a proposal to erect, with the aid of a portion of the Parliamentary Grant, 10 schools in Jamaica; but the application was not received until the whole of the grant for the year 1835 had been appropriated.

No. 17.
Negro Education.

SCHEDULE showing the APPROPRIATION of the GRANT of 5,000 *l.* voted by Parliament in 1835, in Aid of NORMAL SCHOOLS for the Purpose of Training Teachers.

NAME of SOCIETY or other Co-operating Agency.	COLONY.	Sum granted out of Parliamentary Vote.	From what other Sources aided.	REMARKS.
		£.		
Lord Sligo, Governor of Jamaica.	Jamaica -	500	-- Voluntary subscriptions.	-- This school is designated "The Jamaica Metropolitan School," and is in connection with the British and Foreign School Society, and to be conducted on their plan and principles.
The Governor of Bahamas.	Bahamas	700	-- Voluntary subscriptions or grants of local legislature.	-- Of this sum, 300 *l.* is granted in aid of building a Normal school at Nassau; 75 *l.* has been allowed as passage-money to Mr. M'Swiney, who is gone out to superintend it; 31 *l.* 19 *s.* 8 *d.* has been paid for books for the use of the school, and the remaining 293 *l.* 0 *s.* 4 *d.* will be appropriated towards the payment for the first year of Mr. M'Swiney's salary, at the rate of 300 *l.* per ann.
Trustees of the Mico Charity.	Jamaica -	2,000	-- Funds of the Mico Charity pledged to this object to the amount of 5,950 *l.*	-- Arrangements to be made for opening the school at the earliest possible period.
Trustees of the Mico Charity.	Mauritius	1,000	-- Funds of the Mico Charity.	-- Office of superintendent and master of this school offered (March 1836) to Mr. Le Brun, a missionary now in Mauritius.
Trustees of the Mico Charity.	Antigua -	800	-- Funds of the Mico Charity.	-- Arrangements to be made for opening the school at the earliest possible period.
	TOTAL - - £.	5,000		

(Circular.)*

Sir, Downing-street, 10 September 1835.

I AM directed by Lord Glenelg to acquaint you that the sum of 20,000 *l.* has been placed by Parliament at the disposal of His Majesty's Government, to be granted in aid of voluntary contributions toward the erection of school-houses in the Colonies and Settlements, to which the provisions of the Act for the Abolition of Slavery apply. Lord Glenelg proposes, in the distribution of this sum, to avail himself, as far as it may be practicable, of the agency of the several religious societies at present engaged in promoting education among the negroes; and with this view his Lordship is prepared to receive from these societies specific applications for pecuniary assistance towards the erection of such school-houses for negro education as they consider to be required during the present year.

He has felt it right to lay down the following general conditions as indispensable to the reception of any such applications:

That each society making application be required to pledge itself to His Majesty's Government not to withdraw any portion of its funds now appropriated to negro education, in consequence of the aid to be received from the Parliamentary Grant.

That the society be required to certify that the school for which the aid is applied for, is, or is intended to be, conducted on the principles and plan sanctioned by the rules and constitution of the society applying.

That the society transmit with the application a statement of the Colony and situation in which the school-house is proposed to be erected, of its dimensions, and of the number of scholars which it is intended to hold; and an estimate of the probable cost of erection; together with such other particulars as may satisfy His Majesty's Government that the school-house is actually required, and that it is likely to be permanently appropriated to the instruction of the negroes.

That before any grant shall be made to a society towards the erection of a school-house, a written undertaking shall be given by some person authorised on behalf of the society, that a proportion of the estimated expense (to be fixed by His Majesty's Government†) will be provided out of the funds of the society.

It is not possible at present to fix the proportion of expense which can be defrayed from the Parliamentary Grant; and the amount may perhaps vary with the circumstances of the colony

* Copies to Church Missionary Society; Society for Propagation of the Gospel; Society for Conversion of the Negroes; London Missionary Society; Wesleyan Missionary Society; Baptist Missionary Society; Scotch Missionary Society; Moravian Missionary Society; Ladies Society for educating Negro Children; British and Foreign Society.

† The proportion of the cost of each school-house defrayed out of the Parliamentary Grant was subsequently fixed not to exceed two-thirds.

colony in which the school will be situated. But it is desirable that His Majesty's Government should be furnished with as early an estimate as can be obtained of the required expenditure for the present year. For this purpose, I am to request that you will inform me if the society is prepared to avail itself of the co-operation of His Majesty's Government on the conditions above specified. In that case, I have further to beg that you will, at your earliest convenience, transmit to me, for the information of Lord Glenelg, a statement of the probable number of school-houses which the society may be desirous of erecting during the present year; of the colonies in which they are to be situated; of the probable expense of erection, and of the amount which the society can pledge itself to contribute towards this expense.

No. 17. Negro Education.

It may not be unnecessary to add, that all such schools as may have received aid from the Parliamentary Grant, will be subject to the inspection of an officer appointed by His Majesty's Government for that purpose, who will report upon their state and efficiency.

It is not intended to interfere with the religious instruction given in the schools, but only to ascertain that they really conduce to the moral and religious education and improvement of the negro population, and thus answer the end for which the public money has been advanced.

I have, &c.
(signed) *George Grey.*

Appendix, No. 18.

COPY of a LETTER from *R. A. Wainewright*, Esq., Secretary to the Trustees of the Mico Charity, to Sir *George Grey*, relative to the Appropriation of the FUNDS in Aid of NEGRO EDUCATION.

No. 18. Negro Education.

Sir, 5, Warnford-court, Throgmorton-street, 9 June 1836.

IN accordance with Lord Glenelg's request, conveyed to the trustees of the Mico charity by your circular letter of the 27th ultimo, I am to acquaint you that, having carefully considered the questions submitted by that letter in reference to the appropriation of the anticipated Parliamentary Grant in aid of Negro Education in the Colonies, the trustees deem it necessary, and have instructed me to lay before you for his Lordship's information, a detailed account of the steps which have been taken by them towards that most important object, since the establishment of the Mico Charity in July 1835.

The trustees being of opinion that the success of the undertaking might be materially influenced by the result of their early attempts, resolved to engage, in the first instance, none but the most efficient persons as teachers; and by placing over them, as superintendent, an individual of high character and qualifications, to secure to the schools to be first established the best chance of attaining their objects. It also appeared to the trustees, for obvious reasons, most desirable to commence their system of instruction in Jamaica.

With these views the trustees have considered themselves peculiarly fortunate in having obtained, as the superintendent of the Jamaica schools, a gentleman of whose character and qualifications for the office they received the most satisfactory testimony, and by whose exertions they have ample reason to believe their plans will be carried out to the fullest practical extent.

The Rev. John M'Cammon Trew was accordingly appointed to conduct to Jamaica an establishment of nine persons, who were selected with much pains by him, and were individuals of the highest reputation in their respective departments of normal and infant teachers. The establishment sailed on the 1st of November 1835, and arrived at Kingston, Jamaica, on the 15th of December following.

With this establishment were to have sailed, as teachers of the infant-school system, Mr. James Rodgers (author of a little work on Infant-School Education) and his wife and daughter. These individuals, who are all persons of considerable repute as teachers, were then conducting schools at Crickhowell, in Brecknockshire, and being unable to leave their situation in time to sail with Mr. Trew, they have been unavoidably detained, but are shortly to join the Jamaica establishment.

Several despatches have been received by the trustees from their agent since his arrival in the island. The first of these, addressed to them officially and containing an account of his proceedings, is dated on the 31st December last. The trustees were apprized by that despatch of his having commenced his labours, by opening an infant school in a large building hired by him for such purpose; he having ascertained that at Kingston it was a much more economical mode of proceeding, to hire or purchase than to erect buildings for the schools. It also appeared by that despatch that he had waited on Lord Sligo, and was assured of his Lordship's disposition, both officially and privately, to afford his assistance.

The second despatch which the trustees received from their agent bore date the 23d of January last. By this communication he apprized the trustees of having made a tour of observation along the south side of the island, and he writes thus: "I rejoice to tell you that our commencement in Kingston is likely to be crowned with abundant success; the experiment of renting a house, and thus ascertaining the public feeling, was a good one; our numbers, in Kingston, now stand as follows:

	Scholars.
" Infant School	120
Adult School	200
Boys and Girls	75

No. 18.
Negro Education.

"From our infant school we are obliged to send away numbers for want of room, as well as from the adult school; I therefore propose purchasing the house and premises in this city called Harmony Hall, where I think there will be flourishing schools."

By the same despatch Mr. Trew likewise informed the trustees, that he had established a school at Lacovia in the parish of St. Elizabeth, where he describes the population as most dense, as well in apprentices as persons of colour, and where there was no school. This school he had established in a hired room, under a coloured teacher, a very efficient man, and who had then nearly 100 children under his care in the school.

The next despatch bears date in February last. By this the trustees learnt that the purchase of Harmony Hall, for 2,800*l.* currency, had been completed; and that certain necessary alterations thereto would be finished in about three months. The schools are still carried on in the building originally hired for the purpose, and the numbers of scholars might be rated as follows:

	On the Roll.	Average Attendance.
Boys and Girls	150	120
Infants	170	130
Adult (Night-school)	250	180
	570	430

Mr. Trew further states: "At present, and until the removal of the schools to Harmony Hall, we cannot receive any more children, although many apply for admission. It is truly delightful to witness the anxiety of the adults to receive instruction. Not a few of them are advanced in life, and some, with 'spectacle on nose,' are earnestly engaged in reading, or in learning to read, the word of God. I think our success is quite as great as our most sanguine expectations could have anticipated, and already we hear the little children singing in the streets some of the hymns they have learnt from us. There is, however, jealousy in certain quarters, and opposition schools have been set up not far from us, but without, in the slightest degree, hindering us in our proceedings. It is not too much for me to say of our teachers, that already they have a stronghold in the affections of both the young and the old."

The normal school at Kingston had then commenced regularly, although but few black or coloured teachers had been as yet found who could be admitted.

Mr. Trew was, at the date of his letter, contemplating the formation of a school establishment, similar to that at Kingston, at Montego Bay; and had engaged the Rev. James Thomson (late agent to the British and Foreign Bible Society) and Mrs. Thomson, the former at a salary of 300*l.*, and the latter at a salary of 50*l.* per annum, to superintend it.

Mr. Trew, in that despatch, anticipates with confidence that all the schools then contemplated by the trustees for Jamaica would be in operation by the following (the present) month of June.

The trustees have since received another letter from their said agent, dated on the 12th of March last, containing the following account of the schools; six of which, he states, were then in progress of being established.

1.	Mico Institution for Surry	—	in parish of Kingston.
2.	Ditto ditto Middlesex	—	Manchester.
3.	Ditto ditto Cornwall	—	St. James.
4.	Ditto School Lacovia	—	St. Elizabeth's.
5.	Ditto ditto Brown's Town	—	St. Ann's.
6.	Ditto ditto New Port	—	Portland.
7.	Ditto ditto Blue Mountain Valley	—	St. Thomas-in-the-East.
8.	Ditto ditto Neighbourhood of Lucea	—	Hanover.

The trustees are informed by a subsequent letter from Mr. Trew that the Middlesex Institution has been opened.

I have next to refer to the proceedings of the trustees in relation to Mauritius.

Lord Glenelg is already aware that the trustees have invited the Rev. John Le Brun (lately connected with the London Missionary Society), to organize in that colony and superintend two central normal schools. The communication was made to Mr. Le Brun on the 24th of February last.

The trustees have since engaged two normal masters (Mr. George Clark and Mr. Philip Ollivier) highly qualified for the undertaking, to go out with their wives to Mauritius to co-operate with Mr. Le Brun.

These persons sailed on the 22d ultimo.

The trustees have been also taking measures to redeem the pledge given by them to His Majesty's Government to establish a normal school at Antigua. They have deemed it of much importance to select for that colony a teacher of undoubted ability; and they are in hopes of being able shortly to engage a person who has been strongly recommended.

In these proceedings the trustees have already pledged themselves to annual payments to an amount nearly equal to the annual income of their funds: besides having for the same objects appropriated a considerable sum out of the capital.

The

No. 18.
Negro Education.

The following is a statement of the expenditure:

ANNUAL SUMS voted out of the Income of the *Mico* Funds; viz.

	£.	s.	d.
For JAMAICA:			
Salary of Rev. J. M. Trew	500	–	–
Travelling expenses of ditto, estimated at	192	–	–
Insurance of Mr. Trew's life, per annum, about	67	–	–
Mr. and Mrs. Thomson	350	–	–
Master of Normal School, Mr. Edwin A. Wallbridge	300	–	–
Infant Schoolmaster for one or two years, to itinerate, Mr. Thomas Bilby	300	–	–
Master of boys' school, Mr. James Kench	200	–	–
Supernumerary teacher, Mr. James M'Murray	200	–	–
Mistress of girls' school	100	–	–
Mistress of infant school	100	–	–
Mr. Reid, teacher	100	–	–
Mr. Henderson, teacher	100	–	–
Medical attendance on masters and mistresses	30	–	–
For MAURITIUS:			
Rev. John Le Brun's salary	250	–	–
Mr. and Mrs. George Clark's salary	280	–	–
Mr. and Mrs. Ollivier's salary	280	–	–
£.	3,349	–	–

Further Annual Payments contemplated; viz.

Expenses of Trust in London			
Salaries in Antigua			
Mr. Le Brun's travelling expenses			

SUMS Voted out of the Capital of the Trust Funds for Jamaica; viz.

Requisites for normal, central, infant and other schools, &c.	500	–	–
Passage, outfit and incidental expenses of whole establishment in going to Jamaica	450	–	–
Provisional grant for buildings	5,000	–	–
Voted to purchase unexpired term of servitude of persons accepted as teachers	500	–	–

Additional Sums Voted for Jamaica; viz.

£. 2,000 received from Government £. 3,000	5,000	–	
£.	11,450	–	–

Further Principal Sums to be Voted:

For Mauritius	
For Antigua	

Such have been the steps hitherto taken in furtherance of the great work of Negro Education in the Colonies; and deeply anxious as the trustees of the Mico Charity feel for the speedy formation of these seminaries of instruction in all the British colonies, they are at the same time strongly impressed with a conviction that it is necessary to proceed with much caution, in order to ensure the most beneficial application of their funds. I am therefore instructed to state, in answer to the inquiry made by Lord Glenelg, as to the assistance which the trustees are prepared to solicit from His Majesty's Government out of the anticipated Grant, for immediate expenditure, that the trustees are fully prepared to proceed in extending education into the other colonies, so far as the funds at their disposal will allow, and that no other delay will occur than the short time indispensably requisite to complete the arrangements of engaging teachers, &c., which of course cannot be done until the funds to defray the expense are certain; and I am particularly desired to assure you that the deficiency of adequate means is the only impediment the trustees anticipate to the spread of education amongst the coloured and negro population of His Majesty's dominions.

I am directed further to request you to represent to his Lordship the opinion of the trustees that no portion of the sum which His Majesty's Government may be enabled to place at their disposal, can be so advantageously applied as towards the maintenance of schoolmasters and other expenses incidental to the general support of schools.

I have, &c.
(signed) *Robert A. Wainewright,*
Secretary to the Trustees of the Mico Charity.

No. 19.
Crown Lands.

Appendix, No. 19.

COPY of Lord *Glenelg*'s CIRCULAR DESPATCH of 30 January 1836, relative to the SALES of CROWN LANDS in the *West India Colonies.*

Sir, Downing Street, 30 January 1836.

THE accounts which I have received from time to time of the conduct and industry of the apprentices, appear to prove that cultivation may be profitably carried on in the West Indies, as long as the apprenticeship lasts; and afford much encouragement to hope that full and complete emancipation will be attended with beneficial results, both to the employers and the labouring population. Some precautionary measures however seem to be required, in order to guard against that degree of danger to the value of property, or the more permanent interests of society, which can scarcely fail to attach to so great and important a transition.

It must not be forgotten that the conditions under which society has hitherto existed will, on the expiration of the apprenticeship, undergo an essential change. During slavery, labour could be compelled to go wherever it promised most profit to the employer: under the new system it will find its way wherever it promises most profit to the labourer. If therefore we are to keep up the cultivation of the staple productions, we must make it the immediate and apparent interest of the negro population to employ their labour in raising them.

There is reason to apprehend that at the termination of the apprenticeship, this will not be the case. Where there is land enough to yield an abundant subsistence to the whole population, in return for slight labour, they will probably have no sufficient inducement to prefer the more toilsome existence of a regular labourer, whatever may be its remote advantages, or even its immediate gains. Should things be left to their natural course, labour would not be attracted to the cultivation of exportable produce, until population began to press upon the means of subsistence, and the land failed (without a more assiduous and economical culture) to supply all its occupants with the necessaries of life. As soon as a natural labouring population should thus arise, and the growing necessity of making the most of the land should ensure the proper application of their labour, it might be expected that the present staples would again be brought into cultivation; but the depreciation which would take place in property, and the rude state into which society would fall back in the meantime, make it desirable to adopt measures to check this apparently natural course.

How far it may be possible to check it effectually, it is not easy to determine, but by diminishing the facilities of obtaining land it may certainly be impeded. It is true that where so much unoccupied land belongs to private persons, it is difficult to make any arrangement which will ensure the proper distribution of it: nor am I prepared at present to recommend any definite measure for that purpose, which may be free from inconvenience. But it is of great importance in the meantime that the evil should not be aggravated by the inconsiderate neglect or the incautious distribution of those lands which are at the disposal of the Crown.

In order to prevent this, it will be necessary to prevent the occupation of any Crown-lands by persons not possessing a proprietary title to them, and to fix such a price upon all Crown-lands as may place them out of the reach of persons without capital. The specific regulations by which this may be best effected, will probably vary with the local circumstances of each colony. It is my present object to explain to you the nature and grounds of the measure, that you may be enabled to examine those circumstances in their true bearing upon the question, and to arrange the details accordingly.

It would appear that a country is then in its most prosperous state, when there is as much labour in the market as can be profitably employed. In new countries, where the whole unoccupied territory belongs to the Crown, and settlers are continually flowing in, it is possible, by fixing the price of fresh land so high as to place it above the reach of the poorest class of settlers, to keep the labour-market in its most prosperous state from the beginning. This precaution, by ensuring a supply of labourers at the same time that it increases the value of the land, makes it more profitable to cultivate old land well than to purchase new. The natural tendency of the population to spread over the surface of the country, each man settling where he may, or roving from place to place in pursuit of virgin soil, is thus impeded. The territory, expanding only with the pressure of population, is commensurate with the actual wants of the entire community. Society, being thus kept together, is more open to civilizing influences; more directly under the control of government; more full of the activity which is inspired by common wants, and the strength which is derived from the division of labour, and altogether is in a sounder state, morally, politically, and economically, than if left to pursue its natural course.

This policy has of late years been pursued with very good results in our North American and Australian colonies; and there is no doubt that it may be applied with advantage in the West Indies also. It cannot indeed be expected to be either so simple or so effectual in its operation, owing to the existing relations of West Indian society contracted under a different system; to the alternately neglected and exhausted state in which the long operation of an opposite policy has left the already appropriated territory; to the unnatural condition of the labouring population, and to the artificial channels in which productive industry has hitherto been confined. It is probable that the particular regulations which have been found to answer in the possessions alluded to, may not be applicable to so different a state of things. Of this, however, within the limits of your government, you are the most competent judge. I have therefore to request that you will take the matter into your earliest consideration;

No. 19. Crown Lands.

consideration; and that you will then submit to me in detail the arrangements which you may recommend as best calculated to carry the views of His Majesty's Government into effect in the colony under your care.

One general regulation, however, I am prepared immediately to enforce; that in future no Crown land shall be disposed of to private individuals, otherwise than by public sale, a minimum price being fixed, but this price not to be accepted until, upon proper notice, it shall appear that no one is prepared to offer more; the highest bidder being in all cases entitled to the preference; 10 per cent. upon the whole purchase money to be paid down at the time of sale, and the remainder at an early period after the sale, and previously to possession being granted.

The rules to be observed in surveying and portioning out the lands, the number of acres which should make up a lot, and the amount of the minimum price, it will be for you to suggest. It is not impossible that different parts of the colony under your charge may require different sets of regulations, according to the quality or produce of the soil, the vicinity of towns or rivers, the advancement of the population in the refinements of civilized life, and its greater or less density. On these points I can offer you no other guide than a reference to the object which the proposed measure is intended to effect. That object is not to force the cultivation of the present staples by depriving the negroes of every other resource for subsistence, but merely to condense and keep together the population in such a manner that it may always contain a due proportion of labourers. When that is the case, the most profitable produce will always afford the highest wages, and the highest wages will always draw the largest supply of labour. To discourage the extension of cultivation, or to confine it to any particular field, is by no means desirable; but some security should, if possible, be taken, that all the territory which is cultivated at all, shall be cultivated well. The minimum price of land therefore should be high enough to leave a considerable portion of the population unable to buy it until they have saved some capital out of the wages of their industry, and at the same time low enough to encourage such savings by making the possession of land a reasonable object of ambition to all.

I have already intimated that the large tracts of unimproved and unoccupied land which belong to private persons, though they will interfere with the efficacy of the measure, do not diminish its necessity, I am therefore unwilling to encumber the subject with a reference to matters which may be reserved for separate consideration. Many of those persons must however be deeply interested in the success of the policy which I have pointed out; and may probably be induced to enter into the views of Government, and to make such cessions or adopt such regulations as may be of advantage to all parties. In pursuing your inquiries on the immediate subject of this despatch, you will naturally be drawn into communication with them, and you will not fail to recommend any practicable arrangements by which you think the speedy and effectual operation of the measure may be promoted.

In many cases serious difficulties will occur in securing unsold lands for the future from the intrusion of usurpers and squatters. You will not omit to notice the nature and extent of those difficulties in the colony under your care, and the measures by which they may be most conveniently overcome.

I have further to request that your communication on this subject may be accompanied by the best information which you can obtain as to the extent and value of the Crown lands under your government, and the proportion of them which is already occupied by persons without legal title.

I have, &c.
(signed) *Glenelg.*

Appendix, No. 20.

No. 20. Classification of Apprentices.

JAMAICA.

COPIES of the Marquis of *Sligo*'s CIRCULARS, 12 May 1836, to the Special Magistrates and the Custodes of the Island of *Jamaica*, relative to the Classification of Apprentices.

Sir, The King's House, 12 May 1836.

IN sending you the enclosed circular relative to classification, I am directed to state that in the first instance you will adopt the measures recommended on all estates within your district that are in chancery, as orders have been given that such a mode should be adopted on properties so circumstanced.

You will then endeavour to accomplish it on the other properties; but where opposition is offered, which is very likely to be experienced at some places, you can only of course report the circumstance to his Excellency, as it is not in your power to compel the parties to accede to the recommendation of the executive.

I am, &c.

Special Magistrate. (signed) *W. G. Nunes*, Secretary.

Sir, The King's House, 12 May 1836.

I AM directed by his Excellency the Governor to inform you that it is his wish that you should make immediate arrangements for ascertaining the classification of the apprentices on the different properties in your district. His object in imposing this trouble on you is to

No. 20.
Classification of Apprentices.
JAMAICA.

obviate all the inconveniences which must otherwise attend the uncertainty under which so many of these individuals will labour, as to the class to which they belong, when, on the 1st of August 1838, the total emancipation of the non-prædials shall take place. Many, it is to be anticipated, who have no right to that privilege, will seek on that day to be relieved from the apprenticeship term; those who have a claim to those services will be as anxious to retain them; much impatience may be expected to arise on both sides; much difficulty, at that hurried moment, in deciding on their rights, and consequently much excitement expected to be found in the minds of the apprentices while their claims are under discussion.

His Excellency feeling that most, if not all, of these inconveniences would be obviated by the measure adverted to, and that it would beside be much more easy to prove now than in 1838, how individuals were employed for the 12 months previous to the 28th July 1833, has to request that you will take the steps by which he now proposes to have it effected.

It is observed by some persons, that the valuators having already made a classification when engaged in their duties, no other arrangement is necessary. In reply, it is sufficient to say that the valuators have no authority to decide any question between master and apprentices, excepting the value of the services of those apprentices whom they saw, and that your present commission appears to be more a registration of evidence than any decision, because where you cannot agree with the agent of the proprietor, after taking evidence, the matter remains for decision in another manner.

As the law therefore has made it your duty, his Excellency has to request that you will arrange with the overseers, managers or attorneys on the different properties in your district, to have prepared two alphabetical lists of the apprentices belonging to the properties for which they are respectively concerned; one on a separate sheet of foolscap paper, in the form laid down in the accompanying specimen, and one in the plantation book, similarly ruled and written up. The names and ages will be entered on each, and on the first space column the estate classification will be set down, which, until controverted, will be supposed to be correct.

All the apprentices will be called up at the most convenient place, either in the field, if they are at work, or, if possible, somewhere at the works, where a chair and table can be had. As each person's name is called, you will please to ask him if he has any objection to the classification proposed by the overseer; if he says not, then mark the word "Ditto" in the second column in each list; initial it in the book, send him off at once to his work.

If there is any disagreement about classification, put the subject of it on one side, and go over all those about whom no difficulty arises, for the purpose of sending them to their labour the moment their respective cases are disposed of.

When this is done, take up the cases which are to be contested, and take evidence. If, after evidence, the parties agree, mark the individual down accordingly; if not, take very brief notes of evidence, and mark down the individual on both lists, as one whose rights are undetermined.

As soon as the mass of business is over, other means and another opportunity will be given for investigating those undetermined cases further.

When the whole cases are over on each estate, you will compare your list with that in the plantation books, and see that there is no discrepancy between them.

If you find no objection to it, get the overseer to sign each list, and sign them also yourself.

Bring away with you the sheet, and transmit it to his Excellency, to remain in his office, endorsing it outside with the name of the parish, property, attorney and overseer; also with the date on which you have taken the classification.

Having already received ample instructions as to the rules by which you will determine on the class to which each apprentice belongs, it is unnecessary here to say more than that all tradesmen on estates are prædials, all domestics and hospital attendants non-prædials, no matter whether they have had days given them or not; all town gangs of tradesmen are non-prædials.

Should any overseer refuse to permit the arrangement to take place, you will write to the attorney to request his interference, and if still it should be refused to you, you will then report the same to his Excellency, but by no means make any attempt to enforce the classification, as it can be only done under their instruction, as a voluntary and mutual arrangement.

Should any overseer decline to give you a written list to keep, you will postpone the arrangement to another opportunity, as it would take up too much time for you to make the list yourself at that moment.

His Excellency is aware that it will be impossible for you to make the usual number of visits to estates while this is going on. He requests, however, that you will make your visit to each estate once in the month at least during that time, and make the classification subservient to that amount of visits, if the small number of classifications which you shall be called upon to make will allow you to do so. You will, however, make your usual visits.

His Excellency expects that in your weekly reports you will insert the name of each property where you have adjudicated the classification, and such as you have been prevented from completing by objections made by the overseer or attorneys, or for want of lists, giving him in every instance the name of the proprietor and attorney where such refusal takes place.

His Excellency considers that you should, on your next visit to each property, speak to each of the overseers on the subject, and endeavour to arrange that all matters should be ready for the classification taking place at the visit terminating the fortnight. Those

you

No 20.
Classification of Apprentices.
JAMAICA.

you do not see you should write to, taking care that you do not appoint too many for one day.

As you will be pleased to make it your most anxious effort to keep each individual as short a time as possible from his work, you will, immediately on your arrival at each estate, commence the duty, and send each person back to his work as quickly as possible.

Should any overseer intimate to you that the lists are ready sooner than the proposed time, his Excellency suggests that it would not be necessary to postpone the arrangement, but that you should take it on the first convenient opportunity.

I have, &c.

Special Magistrate. (signed) *W. G. Nunes*, Secretary.

NAME.	AGE.	Class in Estate's Books.	Special Justice's Conclusion.	REMARKS.
MALES:				
Samuel Murphy -	45	prædial - -	prædial.	
Ann Rogers - -	32	prædial - -	non-prædial.	
John Thomas - -	36	prædial - -	- - -	undetermined.
FEMALES:				

Sir, The King's House, 12 May 1836.

I AM directed by his Excellency the Governor to communicate to you, that it being the opinion of the Secretary of State, as well as his own, that it would be highly expedient that the classification of all the apprentices in the island should be ascertained, for the purpose of avoiding confusion, and possibly disturbance, on the 1st August 1838, he requests your assistance towards effecting this object. He encloses you herewith a copy of the letter to the special magistrates, instructing them in the manner in which they should proceed for the purpose, and hopes that you will be kind enough to give directions to the overseers and others under your orders, to prepare, without loss of time, the two lists proposed in that circular, and direct them to appoint a convenient time with the special justices for visiting estates and making the arrangement. His Excellency cannot anticipate that there will be any objection to the plan, as in fact it is nothing more than a registration of evidence, which will be open to any ultimate contest, in case it shall be considered expedient by the then proprietor in 1838. Evidence, it appears to his Excellency and the Secretary of State, of the manner in which they have been employed previous to the 28th August 1833, will be easier obtained now than in 1838; and though some difference of opinions may exist about some few apprentices, the classification of the vast majority will be easily ascertained, and much advantage gained.

Vide Letter, No. 3105, dated 12 May, to the Special Magistrates.

His Excellency thinks that the interests of the proprietors will be much benefited thereby, as he has reason to know that many have had days allowed them, as if they were prædials, under the idea that thereby their servitude would be prolonged, while, in point of fact, if non-prædials, that will make no difference, as their classification is gathered from their employment previous to August 1833, and cannot be altered by any subsequent arrangement. The special magistrates decide these points practically every day at valuations, and on many other occasions, within ordinary course of business. The proposed measure, therefore, will be merely doing it at once, rather than each day.

Should you, however, feel disinclined to afford his Excellency your assistance, he feels that you will not for a moment scruple to say so.

I have, &c.

To the Custodes. (signed) *W. G. Nunes*, Secretary.

Appendix, No. 21.

No. 21.
Hours of Labour of the Apprentices.

COPY of the Marquis of *Sligo*'s CIRCULAR to the Custodes of the Island of *Jamaica*, dated 25th August 1835, relative to the adoption of the Nine-hours' System of Labour.

Sir, The King's House, 25 August 1835.

His Excellency the Governor is obliged to trouble you upon a subject which he wishes to be communicated generally to the proprietors and managers in the parish over which you preside, and which he has not the means of accomplishing except by your intervention, if you will be so obliging; at the same time he wishes to put you to as little inconvenience as possible on the occasion.

His Excellency's attention has been attracted to the numerous changes which have of late been proposed in the hours of labour, formerly arranged with the labouring classes, apparently with mutual satisfaction and benefit to the master and the apprentice.

The right of the master to apportion the 40 ½ hours' work, to which he is entitled on the five first days of the week, does not admit of doubt, and was pointed out to the negroes in his Excellency's address of the 1st August 1834. In many places such an arrangement may

No. 21. Hours of Labour of the Apprentices. — Jamaica.

possibly not be attended with inconvenience to the apprentice; but generally it would appear to be against their inclination, and that the plan of working nine hours on the first four days, and half of that time on Friday, is preferred, as affording them greater facility in attending to their grounds and disposing of their provisions. His Excellency, therefore, when he pointed out the terms of the law, strongly recommended, in his letters to the special magistrates, to endeavour to induce proprietors to adopt the nine-hours' system, whenever it seemed to be the wish of the labouring classes.

The general dissatisfaction which has appeared wherever the eight-hours' system has been proposed, induces his Excellency to urge proprietors to pause before they demand, what certainly they have a right to do, but by the enforcement of which not only is insubordination to be expected (and which has recently manifested itself in this neighbourhood), but sullenness, dissatisfaction, and consequently, a less proportion of work from those who, if allowed to continue upon the nine-hours' system, would, most probably, cheerfully and profitably contribute their labour.

His Excellency is quite aware that he can only suggest what occurs to him in these respects; but, considering the paramount necessity of preserving harmony amongst the peasantry, and so forcibly impressed as he is by reports from all quarters of the disinclination to work on the eight-hours' system, that, admitting the power of coercion, he still considers it his duty to bring to the consideration of the proprietors, that the present is not all that is to be looked to, but that regard must be had to the future, so as to ensure the willingness of the labourers to contribute their services when their condition shall be changed, and which may so materially be affected by any discontent or excitement occasioned now, from not coming into that arrangement which his Excellency thinks it would be for the benefit of all parties to adopt.

The extensive means which his Excellency has of obtaining information, which cannot be possessed by individuals, will, he trusts, add some weight to the opinion he entertains on this subject, and which he wishes to be promulgated through you.

I am, &c.

To the Custodes. (signed) *W. G. Nunes*, Secretary.

Appendix, No. 22.

No. 22. Money paid for labour performed by Apprentices.

EXTRACT of a Despatch from the Marquis of *Sligo* to Lord *Glenelg*, dated Highgate, Jamaica, 14th January 1836.

Enclosed herewith also goes a detailed account of the money paid by Mr. Mac Neel of Westmorland, an excellent and extensive attorney, last year for labour actually performed by the negroes, by which you will see that on the 12 estates therein specified, the apprentices have made equal to 440½ hogsheads of sugar in their own time, and received the sum of 665 *l.* 9 *s.* 2 *d.* for so doing.

AN ACCOUNT of Total Produce made on Twelve Sugar Estates; the Quantity of Produce made by the Apprentices in their own Time, and Amount paid for same; also an Account of other Labour performed by the Apprentices during the progress of Crop, 1835.

	TOTAL of CROP made 1835.						Quantity made by Apprentices in their own time of Crop 1835, and amount paid.			Amount paid Cartmen and Boys, Loaders, Coopers, &c. for Hire in their own time.	Average Cost for manufacturing a Hhd. of Sugar by the Apprentices in their own time.	Average Cost of manufacturing a Hhd. of Sugar with extra hire on the whole Crop of 1835.	TOTAL Amount paid to the Apprentices during Crop of 1835.
	Sugar.			Rum.			Sugar.		Amount paid.				
	H.	T.	B.	P.	H.	Qr Cask	H.	T.					
									£. s. d.	£. s. d.			£. s. d.
Petersfield Estate	133	77	39	93	12	4	64	27	75 3 4	44 16 8	at 13/4 p^r hhd.	at 12/7½ p^r hhd.	120 – –
Shrewsbury -	223	43	-	113	-	-	72	-	72 1 9	44 10 10	– 20/ —	– 9/3½ —	116 12 7
Lincoln - -	55	22	1	28	3	-	9	-	9 1 8	6 5 –	- - -	– 4/7 —	15 6 8
Masemure - -	112	41	1	58	1	-	6	-	3 5 –	16 19 2	– 12/6 —	– 2/11 —	20 4 2
Friendship and Greenwich.	87	54	1	40	1	-	37½	-	34 3 9	14 2 1	– 17/11 —	– 7/11 —	48 5 10
Medgham - -	87	4	-	28	-	-	7	-	6 17 1	- - -	– 19/7 —	– 1/6¼ —	6 17 1
Spring Garden -	191	15	-	85	-	-	47	-	46 7 –	31 10 –	– 19/8¾ —	– 7/9 —	77 17 –
Retreat - -	200	21	-	94	10	-	39	4	40 2 6	35 11 8	– 19/6 —	– 7/1 —	75 14 2
Moreland - -	82	27	-	25	-	-	33½	4	35 8 4	22 16 8	– 19/8 —	– 11/7¾ —	58 5 –
Mint - - -	159	20	-	66	-	-	97	-	49 12 6	17 5 –	– 10/2¾ —	– 7/9¼ —	66 17 6
Prospect - -	157	10	-	59	-	-	24½	-	18 19 2	26 – –	– 15/5½ —	– 5/6¼ —	44 19 2
Bluecastle - -	73½	10	-	33	-	-	4	-	4 – –	10 10 –	– 20/ —	– 3/5 —	14 10 –
	1,564½	344	42	737	27	4	440½	35	£. 395 2 1	270 7 1			£. 665 9 2

Appendix, No. 23.

No 23.
Instructions to Special Magistrates.

JAMAICA.

COPIES of the Marquis of *Sligo*'s INSTRUCTIONS to the Special Magistrates of the Island of *Jamaica*.

Letter and Instructions to Special Justices.

Sir, The King's House, 1st Jan. 1836.

THE instructions which have been sent to the special justices at various times, as circumstances have arisen, calling for observation, being now in some instances inapplicable, in consequence of altered laws, and for other reasons, and being also inadequate in some points, I have determined on having others printed in a compendious form, so that they can be carried about with you wherever you go, as a guide for your conduct; recollecting always, however, that though this book may be an assistance to you, inasmuch as it contains the result of the best legal opinions upon doubtful points, it cannot in any manner supersede the law. Should its tenor appear to you at variance with the law, on reference to me I will explain it if in my power; at all events, this code cannot be considered to justify you in acting in any manner in opposition to the law.

You will, in the administration of your important duties, always bear in mind, that in the manner in which you perform the duties committed to your charge, depends, in a great measure, the happy completion of the noblest measure ever derived from the heart or feeling of man; great, therefore, is your responsibility.

From the great change in the respective feeling of apprentice and master towards each other, which has taken place within the last few months, I augur the happiest results; and I cannot but think that the great diminution of complaints on both sides is to be attributed to your zealous and praiseworthy exertions, which I have had the pleasure, on more than one occasion, so favourably to represent to the Government at home. The mutual confidence which seems now to be springing up it is your principal duty to cherish, and I have no doubt but that, by your care and attention, it will be so fostered as to produce the happiest results at the termination of the apprenticeship. You must remember that on your zeal and discretion depend a great deal. It is your duty to support the proprietors in carrying into effect such internal arrangements on the estates as are not repugnant either to the law or to humanity. In case you shall find, which I think under present aspects most improbable, any illegal arrangement is sought to be made, it is your duty to prevent it at once; if any which, though not illegal in the strict term of the word, are repugnant to humanity, they are equally illegal by common law, and would be liable to be noticed in a court of justice: on such occasions you must report them at once to me, and all their details, and I will procure you legal advice how to act; but you must remember the word "discretion;" that is a most necessary qualification in a special justice. Let your zeal be shown in the attention and respect you show to the gentry of the country, and in the manner in which you adjudicate in cases where it must be painful to your feelings to attribute blame and inflict punishment on them. Recollect your peculiar position here; recollect that you have superseded them in some of their most important rights, and that therefore some irritation on their parts may reasonably be expected. It will be your duty to pass over these; and where no intentional disrespect is exhibited, or even if it is in a moderate degree, rather to avoid seeing it than notice it, excepting in the most calm and dignified manner; bearing always in mind, that while you keep yourselves within the bounds of moderation and propriety, you will in such cases have from me the most unqualified support. I hope, however, that by the same regard to discretion on this point, which has been exhibited by your body hitherto, excepting in a few instances, you will increase your popularity and gain the support of the gentry of the country, without which your usefulness must be considerably diminished. You will pay particular attention to the suggestions (communicating them always to me) of the custodes of your respective parishes where they do not interfere with your view of the law. You will make it a point, when accidentally in their neighbourhood, and that it does not interfere with your avocations, to wait upon them respectfully at intervals. While, however, I impress upon you the necessity of conciliating those whose authority is now vested in a great measure in you, do not mistake me in thinking that a less awful responsibility rests on you in respect to your conduct to the apprentices; remember that you are sent here to be their protectors, and that it is as well your duty to protect them in all their legitimate rights, as to support their masters in theirs. The particular details of the manner in which those rights are to be protected, on both sides, will follow this memorandum. By them you will be guided in the manner I have before stated. Some few general observations I will, however, here add: You will recollect that you are a magistrate for the purposes of this Act all over the island; and that you therefore can, everywhere in Jamaica, act between master and apprentice in their respective relation to one another; or between apprentice and apprentice; and between apprentice and any other person, not his master and mistress, as far as the punishment of the apprentice goes; and that your jurisdiction, as local magistrate of the parish in which you reside, enables you to inflict any punishment on any individual, not his employer, who may ill-use him; you must, however, look to the law for your guide in this respect, as in many cases, such as assault, &c., it will require two local magistrates to act. Prefer always to take sufficient time to decide carefully any case which may come before you, rather than hurry from place to place to have a greater number of miles on your list; and in your adjudications of punishments, take this as your great end and object—the total abolition of the lash. The great diminution of the number of punishments of this description, which I notice in the returns of the special justices, induces me to hope that ere long, as the apprentices understand the law better, and feel

No. 23. Instructions to Special Magistrates. — Jamaica.

feel that it must be obeyed, the use of this degrading and cruel mode of punishment may be entirely abandoned. It is not to be understood from what is here said, that I mean to recommend any deviation from the law, or to say that you shall not adopt that mode of punishment which the law says shall be resorted to; on you devolves that discretion. But I feel assured that it is only necessary to call your attention to the hopes I entertain, and that your own feeling of humanity, and justice also, will lead you to strike out the happy line in this respect which is so much to be desired. You must feel that your principal reliance for the carrying into effect the provisions of the law must be on the police, you will therefore cautiously watch their proceedings; you will visit their stations and parade the men as often as you pass near their quarters, and report to me the state they are in; making such observations to the officer in command as you shall deem expedient. Should anything not alluded to in these instructions come under your observation, you will please to communicate it to me; if is to be considered confidential, you will mark it so; if only to be opened by myself, it is to be marked private, and then it will remain unopened by my secretary until my return, in case of my temporary absence from the seat of government.

Instructions.

1. Report your arrival by the first post, after you shall have reached your district.

2. Visit each property in it, and take a note of its produce, whether sugar, pimento, coffee, ginger or penn; of the proprietor, attorney and overseer's name; the number of apprentices, male and female, on it, and keep this book for reference, if called for.

3. Divide your whole district into regular daily routes, for ten days, leaving Sunday and one other day in the week at liberty, so that each property in it shall be visited once in each fortnight, as the law prescribes. By the particular day being named, the overseers and apprentices will know on what days, twice in the month, they may expect you. When this division is made, send to this office a copy of the several routes, which I request you will keep to as much as possible; do not, however, imagine that on an exigency you are not to go to any estate where your services are necessary, breaking through those rules. In such case, however, which is to be avoided as much as possible, you will the following day make the visit for which that day is appointed, and endeavour on some rest-day to make up the deficient visits; so that because you miss your usual visit on one day, you shall not make all the other visits come on different days from those appointed. You will act similarly in case of sickness. Send a copy of this arrangement to the office as soon as made, in order that it may be seen how far it is deviated from.

4. Should any fire, calamity, or other exigency, the act of God, occur on any estate, it is your duty to proceed there at once and to the exclusion of all other business; investigate, either alone or in company with other magistrates, as the case may be, the causes; copies of the evidence adduced on such occasions to be taken down by you, as full and as clearly as you can, and sent to this office, with the result of your own opinion and that of your brother magistrates, if any have happened to have associated themselves with you in the inquiry.

5. Report monthly, in form of schedule (A), the estates you have visited in each month, placing the figures after the name; as, for example, "Fort Stewart, 15th, 28th," signifying that you visited such estate on such days. Any property not visited in that month you will enter in its proper column, adding under it, in red ink, the reason; for example: "Bellevue," "Jobbers working on Mount Plenty;" "Arcadia," "Rivers not passable," and so on. Any that you have not had time to visit you will add afterwards, stating why you had not time. You will date it at the top, and sign it at the bottom. The names to be all placed alphabetically in this list.

Fix to hold a session one day in each week at a convenient place. Saturday appears appropriate, as then the negroes can come in their own time to complain; but in different districts different days may suit best; those you find established you had better adhere to, unless cause to change be shown to you.

6. Make a weekly return, as in form (B), stating the whole distance you travel each day, including back journeys. Add up in place column, at the bottom, in red ink, the number of estates visited in that week, and in the complainants' column, at the bottom, also in red ink, the number of properties at which during that week no complaints on either side have been made. In this return you must mark all the occurrences of each day, noting Sunday or any other day of rest as such, so that each day may be accounted for. Place under plaintiff's name his denomination, such as overseer, attorney or apprentice, and under defendant's the same. Specify crime in complaint column. If the crime be negligence, specify what sort of negligence, and similarly of insolence, insubordination, neglect of duty, or any of those indefinite sort of charges if made. In case of gangs being sentenced to repay time, the names need not be specified; but every individual who receives any punishment, excepting as aforesaid, where a whole gang are condemned indiscriminately to repayment of time, must be inserted. You will keep an accurate note of all the occurrences which take place on each estate in a book, which you will keep for reference, in case I shall ask for any future explanation. You will each evening, after your labours shall have terminated transcribe into the sheet to be sent to me the occurrences of the day, so that you may not lose the day on which the post goes off in doing this.

7. As it is of the utmost consequence that I should get these diaries and reports regularly, I make it an imperative point that they shall be sent off punctually. I can admit of no excuse, except illness, for the omission.

8. In case you shall find yourself taken ill, you must request some person to notify it to me

me directly, and send in your medical certificate as soon as possible. The probable period of duration of the illness, if of a nature to allow of such a calculation, to be mentioned.

9. You will accompany each week's diary by a brief account of the state of your district for that week. You will write this in the usual way, on half a sheet of foolscap folded across, in four folds, for uniformity in the office. It is not to be written and folded as a sheet of post paper, but written on the half-sheet, as if it were an whole sheet. You will insert in this report any remarks you may think expedient to make on the conduct of the masters and apprentices towards each other respectively, as to their industry, the state of the crops or the weather, or any other matter worthy of notice.

10. On other separate half-sheets of foolscap, similarly folded, you will answer any remarks I may have made, either by letter through my secretary, or on my red ink slips, or any other matter on which you want advice or instruction, or which you think fit to inform me of. Should you wish to communicate to me any matter privately which you do not wish to go into my office till I shall have first formed my opinion on it, you will send it separate, marked confidentially and directed to me; it will then be opened only by myself. All the other reports, notices and valuations as are not included in this notice, you will place in one envelope and direct to me. The slips I send are to be copied into your general Instruction Book, with the number of each inserted, so that by reference to that number I can see what were the directions contained in them. The slips themselves you will return with your answer to them.

11. All valuations you will make a return of to me, the first post after you shall have made them, in the form marked (C), whether paid or not, marking them accordingly. In case you shall not be able conscientiously to accede to the terms agreed to by the other magistrates, you will decline to sign the valuation certificate and send to me the whole proceedings. Too exact attention to the law cannot be paid in these valuations. In case of any difference of valuation, you will always insert the opinion of each magistrate, in order that I may ascertain where the fault lays. Always ask the apprentices if they have any witness they wish to have called. Though your decision is to be founded on justice and impartiality, remember you are particularly appointed by the law to see that the interests of the apprentices are not neglected. The 10th clause of the Abolition Act directs that witnesses must be examined on oath relative to the value of the services of any apprentice, and you will take care that all evidence in such cases be upon oath. The notice required to be given to the person entitled to, or interested in the service of the apprentice or otherwise, should be a formal written notice, or a letter, not a verbal message, to the following effect:

Sir,

You are hereby required to take notice, that I shall proceed, on the day of to the valuation of at and I request that you will appoint a justice, who shall meet me there on that day to proceed to the said valuation, according to the Act 4 Will. IV, c. 41.

You will not agree to any postponement of valuation, unless with full and free consent of the apprentice, at the request of any person, as it is his right to have himself valued when he pleases. The law clearly points out your course, when the magistrate appointed by the owner does not appear. I recommend reference to the custos of the parish, when in any difficulty on such matters. All these valuations must, as I have said before, be sent in, whether paid or not, or whether agreed to or not, by the first post after you make them. All manumissions by arrangement, if signed by you as special, you will report as such. Each valuation to be on a separate sheet of paper, and I cannot too strongly urge an exact adherence to the Acts which relate to it; although the Act making the deductions for contingencies one-third is expired, it having formerly received the sanction of the Island Legislature, I strongly recommend its being adhered to as much as possible in all valuations.

12. The Act points out in what cases the money is to be paid to the receiver-general; you will pay strict attention to this, as you are responsible for the money till it reaches him.

13. On each 1st of January, 1st of April, 1st of July and 1st of October, you will transmit to me an abstract of all valuations in the preceding quarter, in form of return marked (D.); you will also return each week, in your general report, any previous valuations which have been paid to you, and not before reported as paid.

14. The amount of all fines levied by you under the Act you will pay once a week to the deputy receiver-general, and report the same to me in your weekly diary.

15. In the adjudication of punishment you will observe the following rules: No corporal punishment to be inflicted without your own presence, or that of some officer or non-commissioned officer of police, who is to report same to you, and see that the amount of your sentence is not exceeded. You will write down on paper for that purpose the amount of punishment; you will also always write it down in the estate's book, so that when any fresh magistrate comes and finds any person in confinement, or suffering any punishment, he will know whether it be legal or the reverse. As corporal punishment has much diminished in this island, so much so as indeed to render it probable that ere long it will be possible, without injury, to dispense with it entirely, as has been done in other islands, you will substitute for it, in every possible case, other description of punishments; you will, in all cases, give the estates, when possible, the advantage of it, inasmuch as the offence is in general to its detriment. Should a certain time of labour be equivalent in your idea for the offence committed, and that it is necessary that the culprit should be sent to the penal gang, you will so apportion the punishment, that half the time shall be in the penal gang, and the other half in extra time, to repay the estate the loss. You will recollect that the increased

No. 23. Instructions to Special Magistrates. JAMAICA.

work cannot exceed 15 hours a week, and that it is very advisable that they should have every other Saturday for their grounds; in case it shall so happen that it is not convenient to give every other Saturday, you must take care that the estate shall feed the apprentice while he has not time allowed him to work his grounds. It would be expedient that any repayment of time lost should be made rather greater than what has been illegally taken, as otherwise it would be a simple exchange of time, at apprentice's pleasure, to his master's detriment. I therefore would suggest, for example, that if a man were 40 holes short, he should be condemned to repay the 40 lost, and 20 holes as a punishment, and so on in other matters. But in case you shall find that any complaint is made by any manager which has the appearance of being frivolous, or if such is the general character of the complaints on that estate, you will, instead of making the negro pay time to the estate, assign him such other punishment, either in the workhouse or otherwise, as you shall think proper. In cases of habitual runaways, they ought to be condemned to additional labour in their own time now, during the continuance of their apprenticeships, and to a prolongation to the amount of absence after the apprenticeship shall have terminated; deducting the amount that was paid during it, say every second Saturday, or something of the sort. Where confinement is adjudged necessary, its severity may be increased by ordering diet of low description and small quantity. But it must be remembered that, by the common law, all persons detained in any private place of confinement, whether under the name of hospital or cell, or any other, must be fed by the proprietor of such place of confinement.

You will suggest to each overseer in your district the expediency of keeping a book on the estate, in the form of that in Schedule (D.), and entering regularly every offence in that book; and when the special magistrate shall have heard the case, he will then insert the sentence in the proper column, with his signature.

A book of 20 inches in width will afford sufficient space for the columns required to be filled up, and may be 12 inches in length.

You will on all occasions of visiting a property, whether you are called upon to adjudicate or not, enter your name in a book on the property, as a token of your visit.

16. In case you should be under any difficulty as to ascertaining whether the amount of work done in any given time is such as it ought to be, you will request three respectable overseers or other persons to visit the place, and then swear them to the truth of their opinion. It will remain for you to use your own discretion afterwards as to the amount you will decree.

17. Although your district is pointed out to you, as your commission is for the whole island, you will consider yourself bound to go out of it in case of any superior emergency, which would render your presence necessary elsewhere. In like manner, though your district is in your own charge, it is competent for any other magistrate to visit it; indeed it is the duty of any magistrate passing through it to report to me what he sees there, and to set right anything he finds wrong.

18. Every magistrate must consider himself liable to be removed at any moment from his district to any other, if the public service renders it desirable; but as I know this to be inconvenient, I wish to avoid changes as much as possible.

19. No magistrate must leave his district on his own private business, without my leave, which when convenient will rarely be refused; but every magistrate who passes through Spanish Town is required to report himself at my office, in case I should have occasion to have a personal interview with him; or if he should be in Kingston, he will inquire daily at the post-office for letters from the King's House.

20. As the master can legally apportion the hours of labour to which he is entitled as he pleases, in the first five days of the week, it will be your duty to support him in doing so; but you will exert your best energies and anxious endeavours to promote the nine-hour system in preference to that of eight hours.

21. You will pay strict attention to the law respecting provision-grounds; their distance; the apprentices not being deprived of those they held before the abolition, without their free consent to any change: *see* 45th, 46th, 47th, 48th and 49th clauses of the Abolition Act.

You will periodically make inquiries on these points, not only from the managers, &c., but from the drivers, constables and other people in open court, and on each estate; if the grounds are neglected, you will request the estate to put them in order, and make the apprentice repay the time, at 15 hours a week, to the estate.

22. In consequence of orders to that effect, lately received from the Colonial Office, you must, immediately after the expiration of every month, transmit to me a statement, specifying the number of letters received in the course of such month upon the service of the magistracy, and upon which you claim repayment of postage, with the amount paid; and explanation should be given of any circumstance that may have occasioned an unusual amount of charge.

To this statement, showing the total amount paid in that month, you will annex the following declaration:

"I hereby certify, upon my honour, that I have paid the sum of for postage of letters, solely on public and official business, from the day of to the day of inclusive, and there is not therein included the postage of any letter relative to my own private concerns."

Should such claim not be made to me by the first post-day after the expiration of each month, no attention will be paid to it, and you will be deprived of reimbursement. Though sent in monthly, they will be paid to you quarterly, with the salary.

23. Where the apprentices have to go a distance to work, off the property on which they live, you will allow them, out of their masters' time, at the rate of three miles an hour to reach

reach the ground. If work is neglected, the most advisable punishment is to make them give out of their own time a proportionate repayment.

24. You will be very particular, in drawing up warrants for the committal of apprentices, after due trial and conviction, to state the complaint, the conviction and sentence; and you must in such committal direct the gaoler or keeper of the house of correction to receive the offender, for the purpose of undergoing the sentence awarded.

25. In case you are in any doubt as to the meaning or intention of the law, you are freely to refer to me your case, written out at full length, and you shall have the necessary reply.

26. You have no right to inquire into title of apprentice property, but all you have to ascertain is, how the right has been exercised from the 28th August 1832 and the manner, in case a claim made for the services of an apprentice shall be denied by himself.

27. When you shall be called upon by me for a special report for England, you will please to understand that you are not expected to specify the condition of each estate, but to go to more length than usual in your weekly reports on the state of your district. You are to put into it any matter which may be of interest or advantage to the colony, that the British Government should be acquainted with; you will give an accurate *resumé* of your observations since the last special report, as to the industry of the apprentices; the increase or decrease of offences; of what nature the offences generally are; the good or bad feeling between masters and apprentices; the state the negro grounds are in; whether complaints have increased or diminished; in what state is the labour usual for that time of year; is it more or less forward than last year, or the average of other years. You will add anything else which you may consider expedient, recollecting that in all probability your letter will be submitted to Parliament and published. This report you will send in when I write to you a circular calling for your special report, under rule 27.

28. As any manager, &c., is guilty of a misdemeanor who places in confinement an apprentice without due cause, or who does not report it to the special magistrate on his first visit, it is your duty to give him the opportunity of reporting it; but just before you leave the property you will ask if he has any more business, and if he says not, you will then make inquiries on this point, and inflict such penalties in the first place for the non-reporting, and in the second place for improper coercion, if such shall be proved, as may seem expedient to you. As I have reason to think that the practice of managers confining apprentices most illegally on frivolous pretexts has been adopted, I request you will make particular inquiries into this abuse, and report to me every case of it which you shall discover. You will also ascertain that sufficient food has been given at estate's expense, when confined either in cell or hospital; that proper distinction of sexes is observed; that due decencies are maintained. (For the penalty, *see* the Abolition Act.)

29. Be careful in your inquiries on all occasions as to medical attendance, supply of clothing, attention to sick, feeble, old and sitting-down people. Recollect that the mothers of six children are compellable only to do light work.

30. You will insert your name in the estate's-book every time you shall visit it, and your sentence, if you have occasion to pass any; and if they will not keep a book for you, you will decline to pass any sentence until they either do so, or give you a slip of paper on which to write your sentence; and I require, in the most anxious manner, that no sentence should be passed without being written down.

31. You will visit the hospitals and cells frequently, and at uncertain times, and report specially in your weekly diary, after each estate's name, that you have done so; you will see if they are clean and in good order, &c.

32. It having been found advisable that all special justices should wear an uniform of a particular description, as well to secure the respect of the negroes to the character of that officer, as to inform them when they see him riding out, that he is one of the persons deputed by law to settle all differences between them and their employers, I have to request most urgently that no special justice will appear anywhere out of his own house in any other manner than in uniform; whether that uniform be jacket or coat, or of what material, is of no consequence, provided that the colours are such as are laid down.

33. Local magistrates may, under the Vagrant Act, commit any person being a vagrant; but if it is ascertained that he is a runaway, (as by the British Act, which supersedes all colonial laws made in opposition to its principles, it is laid down that special justices alone shall adjudicate cases between masters and apprentices in those respective relations,) they can only commit for trial before a special justice.

Such runaway must, therefore, be brought before a special justice directly for trial; and he will then act by him in the manner laid down in the 34th Instruction. It will therefore be your duty, in all cases where you hear of runaways being apprehended, to take measures agreeably to the instructions therein contained.

34. Whenever any person is brought before you as an alleged runaway, it will be your duty, in case you see cause, to remand him or commit him for a reasonable time, in order to ascertain whether he be really one or not; you will, therefore, in your committal express that he is committed for a specific reasonable time, for re-examination. This can be done as often as necessary; you will recommend his being advertised three times, according to the usage under the Slave Law, and if not then claimed, you must bring him to trial for his crime of absence. You will then give due warning, try him; and, recollect, that you have no power to leave him in confinement at all, after that final examination or trial, unless you receive sufficient evidence on oath that the individual is a runaway; if you do receive such evidence, should any good reason be shown that evidence not then at hand will be procured, it will remain for you to exercise your discretion as to remanding him; if, however, no

No. 23.
Instructions to Special Magistrates.
JAMAICA.

evidence is adduced, and you see no likelihood of any further evidence being brought forward, you will see the justice of finding the prisoner not guilty of the offence with which he is charged, namely, absence from his employer's service, and will dismiss him at once.

Should he declare that he is a runaway from any particular person, you will write, or request the supervisor to write to that person, that such person is in confinement. Should the owner be unwilling to receive him, that is no reason why the individual should, on that account, be kept in confinement. He may be passed on, according to law, to his owner, and if that owner then refuses to receive him, the parish may proceed at once against him for the expenses. No detention for fees is legal. If, therefore, any supervisor detains any person one hour longer than his sentence, as expressed in the committal, he is guilty of false imprisonment.

55. You will observe by the 4th clause of the Abolition Act, that all apprenticed labourers shall be divided into three distinct classes; viz.

Prædials attached to the soil.
Prædials not attached to the soil.
Non-prædials.

The first class, comprising all persons who, in their state of slavery, were usually employed in agriculture, or in the manufacture of colonial produce, or otherwise upon lands belonging to their owners.

The second class, comprising all persons who, in their state of slavery, were usually employed in agriculture and colonial produce, or otherwise upon lands not belonging to their owners.

The third class comprising all apprentices not included in either of the two preceding classes.

In the first class is to be comprehended all persons on estates, on sugar properties, coffee plantations, pimento settlements, pens, mountain properties, and other small settlements, who are employed in agriculture and the production of colonial produce; viz. sugar, rum, coffee, pimento, cattle and stock, ginger, arrow-root, ground provision and corn, sale of wood and grass, or any other produce of the soil.

In the second class is to be comprehended all persons on estates or sugar properties, coffee plantations, pimento settlements, pens, mountain properties and other small settlements, who have been employed at labour, and assisting in the production of colonial produce on other properties, *i. e.* persons usually called in this country jobbers.

In the third class is to be comprehended all apprentices who have not been employed in agriculture, such as domestic and other servants on sugar estates, coffee plantations, pimento settlements, pens, mountain properties and other small settlements, as well as in villages, towns and cities; also all artificers, butchers, bakers, gardeners about towns, storehousemen, fishermen, wharfmen, porters, draymen, and every description of person engaged in employment in and about a house, tavern, store or warehouse.

The first and second of these classes to continue in apprenticeship until the 1st August 1840.

The third class to continue in apprenticeship until 1st August 1838.

As this distinction between prædial and non-prædial labourers was designed to separate the whole slave population into two great classes, the first comprising those by whose agency the work of the plantations to which they belonged, or upon which they were hired, had been usually done, the second comprising all the rest, you will take notice that a cooper, for example, employed in the city of Kingston, by a master selling or repairing casks for the public at large, would be a non-prædial; while a man engaged in the very same occupation by the owner of a particular estate, for the purposes of that estate, would be a prædial apprentice. The principle of this distinction seems to be, that the established usages of the colonies admitted the occasional transfer of the plantation cooper to the field, but was directly opposed to making any such use of the services of the cooper accustomed to work under a master tradesman. If, therefore, a tradesman on an estate is not employed by his master at his trade, he is liable, being a prædial, to perform any other labour on the estate which he is equal to, if so required by his owner or employer.

There is a proviso to the 4th clause to the following effect: "That no person of the age of twelve years and upwards shall be included in either of the two classes of prædial apprenticed labourers, unless such person shall, for 12 calendar months, at least, before the 28th August 1833, have been habitually employed in agriculture."

Now this proviso appears to have been inserted for the express purpose of embracing in the third class those persons who, when in a state of slavery, were exempt from agriculture, either from disease or mental or bodily infirmity, age, parents of six or more children, persons who from some cause were permitted to absent themselves, either from the service rendered by their husbands or by themselves, faithful servants to the owners, now absent from the island, and many others who were indulged as slaves and not called upon to labour, but who if compelled now to labour, would be included in the two first classes; and as every case of this sort would rest upon its own merits, this proviso was made in order that the justice of the peace, holding a special commission, might have a discretionary power, after due investigation, not to permit the apprentice to be more oppressed in his present condition than when in a state of slavery, the Act being one of amelioration, enlarging the benefits of the subject, and not to oppress or abridge their former privileges.

It will therefore be your duty so to use the discretion which is vested in you, as to carry into correct effect the law as explained in this paragraph. In any case where any aged apprentice of either sex, who has been for some time what is here called sitting-down, or

exempted

exempted from labour for any cause arising from debility, age or bodily infirmity, for a certain period previous to the 1st of August 1834, or who is now in such state as to render him or her incapable of working in the field or mill, you will use your own discretion, as to complying or not with any wish which may be expressed by any proprietor or person acting for him, that he or she shall be so employed. You will however report to me in due course the circumstance.

36. In replying to, or acknowledging any letter from my office, please always to state the number and date such communication bore. This must be punctually attended to, as it facilitates references to the correspondence, and is indispensably necessary.

37. I request that in your future weekly reports, whenever you have had the good fortune to avoid the infliction of corporal punishment, you will be so good as to make a note at the bottom of the report, under the amount of miles travelled, "no corporal punishment this week."

38. Questions having frequently arisen as to the liability of pregnant women to repay to their masters the time lost prior to delivery in childbirth, and suckling and nursing their children, I beg to draw your attention, when any complaint may be made by the master against an apprentice under those circumstances, to the following observations.

As sickness is a lawful cause of neglecting the employer's work, there does not appear any distinction between those ailments which beset the human frame from other causes, and those to which it is subject in child-birth and its consequences.

With respect to their attendance on sick children, much will depend upon the reality and nature of the illness, and the extent of time devoted to that duty in each particular case. But as it could never be intended, in defining the rights of the employer, to supersede the paramount obligations of a mother towards her offspring in such cases, so would it be more unreasonable to visit by any penal infliction a mother who neglected her duties to her employer for the sole purpose of affording her child the aid which the state of the disease might require at her hands. But if such an apology be untruly alleged as an excuse for idleness, or to deprive the employer of the time he is entitled to, it would become a case to be dealt with as any other unfounded pretext for avoiding duty. As often, however, as sufficient cause is shown, and the time taken be to a reasonable extent, women, under those circumstances, do not appear liable to repay the time lost.

39. It having been considered of importance by the Secretary of State for the Colonies, that the names of the witnesses on both sides, and a brief summary of the evidence produced, or rather the facts proved in each case on which you shall have adjudicated, shall be added to the information conveyed to me in your present weekly reports, I am anxious to carry into effect his orders on this point in the manner the least irksome to you, and in that which will least increase your already too laborious duties. I am aware that if these particulars were to be added to the diaries, you would be unable, without the assistance of a clerk, to get through nearly so much business as you do now.

I have therefore to suggest, with a view to the furtherance of the wishes of the Colonial Secretary, and to save you as much as possible the trouble of transcribing, that you should send up to my office, half yearly, the book in which you enter at night the evidence which you have taken in the day. This will remain in the office as a record for reference, as well on your part as on that of the Government, or any other person who may require it, under my sanction.

As you already keep such a book, the only additional trouble which this will occasion you is, perhaps, to write it rather neater than you may have been in the habit of doing, and instead of having it of various sizes, to be of that called the foolscap.

(signed) *Sligo.*

Schedule (A.)—LIST OF PROPERTIES.

In the District of Special Justice 183 .

Names of Properties not visited this month.	Properties visited this Month.	Dates when visited.
BELLEVUE: Jobbers working on Mount Plenty -	Fort Stewart - -	15th, 28th.
ARCADIA: Rivers not passable.		

No. 23.
Instructions to Special Magistrates.

JAMAICA.

Schedule (B.)—SPECIAL MAGISTRATE'S REPORT.

Date.	Place.	Miles travelled.	Complainant.	Defendant.	Complaint.	Decision.	Number of Constables sworn.

Schedule (C.)—VALUATION RETURN.

Spanish Town, 1 May 1835.

Name of Apprentice.	Age.	Health.	CLASS.
David Ellis, of Bushy-park -	47	Good -	- - Prædial attached, estate's carpenter.

W. Pollock, esq.
A. Murphy, esq. } Associates Justices.

H. Moresby, Special Justice.

Witness for Estate -

- - James Haughton, esquire, overseer of Bushy-park estate, states that David Ellis is a first-rate carpenter, that he is in charge of the gang, is sober and industrious, has never been a runaway, and is well worth 60 *l.* a year to the estate.

Thomas Johnson, overseer of Amity-hall estate, swears that he has known David Ellis many years, and agrees in all that has been said by Mr. Haughton, excepting as to the value of his services, which he considers worth no more than 50 *l.* a year.

Apprentice Witness -

- - David Ellis being asked whether he had any witnesses to produce, declares he has none.

After some consideration, it appeared that

Mr. Pollock valued him at - - - - -	£. 60
Mr. Murphy, at - - - - - - - -	50
Moresby, at - - - - - - - -	50

50 *l.* a year agreed on.

Four years and three months - -	£.	212	10 –
Deduct one-third contingencies - -		70	16 8
Net Sum awarded - - - -	£.	141	13 4

Sum not paid; apprentice said it was too much.

(signed) *Henry Moresby*, Special Justice.

Schedule (D.)—LIST OF VALUATIONS DURING THE QUARTER ENDING .

Date of Valuation.	Name of Apprentice.	The Estate, or Master's Name.	Parish.	Class.	Value.	If paid or not.

No. 23.
Instructions to Special Magistrates.
JAMAICA.

Schedule (E.)—REGISTRY OF ACCUSATIONS brought against the Apprentices on Estate, and Decision thereon.

Date of alleged Offence.	Name of the Accused.	Alleged Offence.	By whom charged.	Names of Witnesses.	Date of Trial before a Special Justice.	Name of Special Justice by whom the case was heard, and his Decision thereon.	Cases of minor importance noticed by the Attorney or Overseer.

The overseer on estate, will not on any account neglect to enter in this book all accusations against the apprentices attached to estate under his charge, and he will best study the real interests of the property, as well as the peace and domestic comforts of all classes employed thereon, by a well-considered and judicious exercise of his own discretion in reprimanding and pardoning all cases of a trivial nature (on the promise of future good conduct, made on the part of the apprentice), being careful to enter the same in the column for that purpose; and, in every case of this nature, to sign his name under such remarks as he may consider the nature of the case in prudence calls for. All entries made by the overseer in this book to be done during the hours of relaxation from labour at noon in each day, the constables and party accused of crime to be present; the crime with which the party stands charged, name or names of the party charging him or her with the same, and names of the witnesses in support of the charge, to be read to the accused party, in presence of the constables, and the same will be attended to in all cases of reprimand or pardon granted by the overseer. This book, with other writing materials, to be kept on a desk or table in the overseer's house, where the special justice can have free access to the same at all times of visiting the property, and in which he, the special justice, will please to enter such remarks as he may consider necessary, and sign his name. On all occasions of apprentices being brought to trial before a special justice (whether on the property or at any other place), this book to be submitted to the justice for his inspection; and in order that a true record may be kept, the special justice will particularly oblige by entering his decisions and signing the same.

Appendix, No. 24.

No. 24.
Despatch from Lord Glenelg to the Marquis of Sligo.
11 April 1836.

EXTRACTS of a DESPATCH from Lord *Glenelg* to the Marquis of *Sligo*, dated Downing Street, 11 April 1836.

My Lord,

I HAVE received your Lordship's despatch dated the 24th of February last, No. 349, on the case of Mr. Oldrey.

Until the result of the intended application for a new trial in this case shall be known, it would be premature to adopt or to announce the measures which in the event of the failure of that application will be indispensable; yet I cannot leave your Lordship in ignorance or uncertainty on that subject. It is the fixed resolution of His Majesty's Government to protect and indemnify the special magistracy in the faithful, discreet and temperate discharge of the duties of their offices, and if Mr. Oldrey shall appear to have conducted himself on the occasion in question with fidelity, discretion and temper, he will be defended against the consequences of the verdict * * * *

Your Lordship has been informed that at the trial of the action against Mr. Oldrey, in the absence of the chief justice, Mr. Barrett, though not the senior of the judges present, delivered the charge to the jury, and took occasion in the course of the proceedings to deliver his judicial opinion upon some of the general questions of law to which they gave birth. Especially it is stated that he determined or concurred in the declaration that a special justice has no right to ask an apprenticed labourer what complaint he has to make, but must confine himself to going upon the plantation, to receiving such complaints as may be preferred to him there, and to holding within the limits of the plantation itself, and not elsewhere, a court for hearing and adjudicating upon the complaints which he may so receive.

It is not improbable that the report which has reached your Lordship of the opinions delivered by Mr. Barrett may be inaccurate. It is, however, of the greatest importance that the question should be placed beyond the reach of doubt, for if such be really the law of the island, or if such be the judicial interpretation which it has received, an amendment of

No. 24.
Despatch from Lord Glenelg to the Marquis of Sligo,
11 April 1836.

the law or a legislative declaration of it, for preventing any similar construction in future, will be absolutely essential.

Your Lordship will, therefore, desire the Attorney-general to report to you what may have been the opinions delivered by the judges on the trial of this action, as he understood them, upon any general question of law which arose, or which was in point of fact discussed on that occasion; and he will have the goodness to make that report with the least possible delay. When it shall have been received by your Lordship, you will transmit a copy of it to each of the judges for any correction or explanation which they may be pleased to make. You will distinctly apprize them, that although this reference is made by my desire, it is at the same time addressed to them with the most perfect recollection, that the executive government are not entitled to call upon them for any statement of what they may have said in their judicial capacity on the trial of a civil action; that, therefore, no such demand is made upon them, and that if they shall think it right to withhold any answer by the time which you will fix for the purpose, I shall respectfully acquiesce either in their silence, or in their more direct refusal, as the assertion of a right which I have neither the power nor the wish to dispute. You will, however, apprize the judges, that in that event I shall be compelled to communicate to the Parliamentary Committee appointed by the House of Commons to inquire into the law and practice of the West India colonies, respecting apprenticed labourers, the report of the Attorney-general on Mr. Oldrey's case, as the only authentic statement which it has been in my power to procure, and that I shall hold myself absolved from responsibility for any of those misapprehensions into which the Attorney-general may unintentionally have fallen. The case will probably be laid before the Committee in a less exact form, long before the answer to this reference can reach me; and to prevent any possible mistake of the facts by that body, I am anxious that the instructions which I now convey to your Lordship should be executed with the least possible delay.

To obviate any misapprehension of my meaning, your Lordship will convey to the Attorney-general and to the judges a copy of so much of my present despatch as relates to the inquiries to be proposed to them, and to the motives by which those inquiries have been suggested.

In the session of the General Assembly, which in my despatch of the 31st ultimo I have directed your Lordship to convene, you will transmit to the council and to the assembly, messages suggesting to each of those bodies the propriety of considering, with reference to the actions lately brought against the special magistrates, the necessity of some more effectual provision for protecting those officers in the faithful discharge of their duty. I shall not permit myself to suppose that both or either of those bodies will decline the investigation, or that it will be conducted in any other than an impartial spirit, or that they will shrink from the adoption of any immediate measures of which the necessity may be established. Even if it were fitting to speculate upon such a contingency as the neglect by the local legislature of their duty in this respect, and upon such ulterior measures as would in any such event become necessary, it is clear that the justification of such measures could only be found in the proof that every practicable attempt had been made to obviate the necessity of having recourse to them. * * * *

Your Lordship apprehends that the only legal obstacle which prevents your revision in the Court of Errors of cases such as those of Mr. Oldrey, arises from the Royal Instruction, which forbids your issuing writs of error unless the subject in dispute amounts in value to at least 300 *l.* Whether this is a correct view of the law appears to myself questionable; but there can be no difficulty in relieving your Lordship from any restraint of this kind, so far as His Majesty's authority extends. The rule itself rests upon no solid principle: if in questions of such pecuniary value an appeal is necessary to the right administration of justice, the necessity does not cease in cases of less amount. The rule originated in the notion that it was better for the litigant parties to submit even to an erroneous decision than to harass each other with the expense and the delay of a protracted controversy, unless the matter at stake were of such amount as to raise a fair presumption that they possessed resources adequate to the charge. This, however, is to assume that the law must be administered in such a manner as to reduce all suitors to the alternative of acquiescing on the one hand in the errors of the court of first resort, or of seeking the redress of those errors, on the other hand, at a prodigal expense of time and money. It is, however, discreditable to any well-ordered society to legislate and act on such an assumption. The restriction to which your Lordship refers will, therefore, be rescinded, as far as it arises out of the Royal Instructions, by an additional instruction, which I shall have the honour to transmit to you for that purpose. The measure, though suggested by Mr. Oldrey's case, is to be defended by general principles of far wider application. * * *

I have, &c.

(signed) *Glenelg.*

Appendix, No. 25.

No. 25. Despatch from the Marquis of Sligo to Lord Glenelg, 21 June 1836.

EXTRACT of a DESPATCH from the Marquis of *Sligo* to the Lord *Glenelg*, dated Highgate, 21 June 1836.

My Lord,

IN reference to your Lordship's despatch of the 11th April, I have the honour to inform you that I procured, in obedience to your orders, from the Attorney-general, a document respecting the trial of Mason and Oldrey, which was corrected by Mr. Panton, the other counsel, and by Mr. Anderson, the solicitor, a copy of which I have the honour to enclose herewith. Copies of it were also sent to Messrs. Allwood, Mais and Barrett, the three judges who tried that case, with a letter, of which a copy also goes herewith, which I trust your Lordship will approve of.

I have the honour to enclose Mr. Barrett's reply, together with that of the other two judges, which has been just sent to me.

I have, &c.

(signed) *Sligo*.

MASON *versus* OLDREY.

Action of Trespass; Grand Court.

The court ruled that the nature of the complaints made at the special court held at Northampton on the , before special justices Ramsay and Clinch, should not be shown by either parol or written evidence, or in any way, and accordingly rejected the parol evidence of the same, and also the written evidence of the same, though duly signed by Messrs. Ramsay and Clinch, the presiding justices; the court stating in words further, at a subsequent epoch of the trial, "We have already decided that no proceedings of the special court could be received in evidence in this court."

The court held that no special justice of the peace had a right to inquire on a plantation, &c., whether any person had complaints to make, or to send any person to a plantation to warn them that a special court would be held to hear complaints; laying down the law that although such justice had right to access to the plantation himself at the time appointed by the law, once in 14 days, in order to determine on such complaints as might be brought before him, he had no right to ask about complaints, even on the plantation, &c., until they were in due form made before him by the complaining parties; and more particularly, that such justice had no right to summon any of the apprentices to attend at any place off such plantation.

The court stated to the jury that the principal question the jury would have to decide in this case was, whether the special court mentioned in the action, and to attend which Mr. Mason's negroes were taken from his property, was or was not an illegal court; and the court stated that they had no hesitation in saying that according to their opinion it was illegal, and not agreeable to the provisions of the Act for the abolition of slavery (Jamaica Act), because it was not held on the plantation, there being more than 40 apprentices on such plantation; they also, in pursuance of such doctrine, told the jury, that "Although they might not be versed in the technicalities of the English law, they were as competent to understand the King's English, and what they were now stating to them, as Mr. Attorney-general," &c. They then read to the jury the 54th clause of the Act for the Abolition of Slavery, relative to the manner in which the special magistrates are required to hold their courts, and then called on the jury to bear in mind that one of the properties was proved to have 49 apprentices attached to it, and the other upwards of 50, and both came within the clause of the Act that provided for the presence of the special magistrate on those properties, and not to draw them off to attend elsewhere.

The court ruled that Mr. Aylton, the attorney of the plaintiff, should give in evidence his letter to Mr. Nunes, as proof against the defendant Oldrey.

As regarded Mr. Ramsay's evidence, the court held, that although this witness stated it was necessary to summon all the people on the two properties to attend the court, yet it did not appear in evidence that the least necessity existed for his so doing.

The court stated to the jury that Mr. Ramsay had no authority whatsoever to ask his brother magistrate, Oldrey, to have the witnesses summoned to attend at Northampton.

The court stated to the jury that "The court (below) appeared to have been held for the purpose of inquiring into a supposed deficiency of clothing, and that for that purpose every reasonable man must be convinced that one or two of the head people, or those who served out the clothing, would have been quite sufficient to have answered every good purpose; for they would recollect the clothing was regulated by the vestry, under the provisions of the Slave Law, and differed in almost every parish in the island."

The court stated to the jury that it was clear in evidence, from the information received by Mr. Mason's solicitor, the court below was to be held for quite a different purpose than the business they afterwards proceeded into.

The court stated to the jury that the court held at Northampton was merely a court of inquiry, and therefore illegal.

The court stated that Mr. Mason never consented to the holding of the court.

The court told the jury that Mr Oldrey had not directed the witnesses to be summoned by the orders of the presiding justices of the court, but that it was clearly made out by

No. 25. Despatch from the Marquis of Sligo to Lord Glenelg, 21 June 1836.

the evidence that he ordered them to be summoned merely by the orders of the governor, and that therefore such his summons was (they having attended) a false imprisonment, as laid in the declaration.

Evidence having been given that Mr. Oldrey, as a local magistrate for the district, as well as a special, the court held that Mr. Oldrey acted at the court at Northampton, called up the witnesses, &c., the court holding that such court was a court of inquiry, decided that the court and its proceedings were illegal.

This was an action of trespass. No force or violence was proved; the evidence being, that Mr. Oldrey sent Samuels to the properties, to warn the witnesses to attend at Northampton; that he, Oldrey, never entered on the properties at all, and that the witnesses did not attend until the next day, which they did of their own account, yet the court decided that trespass was the proper remedy, and not trespass on the lease.

The action being for the enticing away apprentices to the court, the court held it was not necessary to allege and prove that Mr. Oldrey knew they were the apprentices of Mr. Mason.

Sir, 25 June 1836.

I BEG to state that in my report of the statement made by the judges in Mason *v.* Oldrey, where it is said a letter from Mr. Hylton to Mr. Nunes was received in evidence, it should be from Mr. Hylton to Mr. Ramsay, and not to Mr. Nunes. This inaccuracy is immaterial, but should, however, be communicated to the Colonial Secretary along with the report.

I am, &c.,

W. G. Nunes, Esq. (signed) *D. O'Reilly.*

Sir, The King's House, 16 June 1836.

His Excellency the Governor has received directions from the Secretary of State for the Colonies to procure from the Attorney-general a report of what may have been the opinions delivered by the judges on the trial of the action of Mason *v.* Oldrey, that is, as he understood them, upon any general question of law which arose, or which was, in point of fact, discussed on that occasion. His Excellency was further instructed to transmit a copy of such report after its receipt to each of the judges for any correction or explanation which they may be pleased to make.

In accordance with such commands, I am desired by his Excellency the Governor to send you the enclosed copy of the report of the Attorney-general on the subject, and although this reference is made to you by desire of Lord Glenelg, it is at the same time addressed to you with the most perfect recollection that the executive government are not entitled to call upon you for any statement of what you may have said in your judicial capacity on the trial of a civil action; that therefore no such demand is made upon you, and if you shall think it right to withhold any answer, the Secretary of State will respectfully acquiesce either in your silence or refusal, as the assertion of a right which he has neither the power nor the wish to dispute. In either of these cases, however, the Secretary of State will feel compelled to communicate to the Parliamentary Committee, appointed by the House of Commons, to inquire into the law and practice of the West India colonies respecting apprenticed labourers, the report of the Attorney-general on Mr. Oldrey's case, as the only authentic statement which it has been in his power to procure, and he will hold himself absolved from responsibility for any of those misapprehensions into which the Attorney-general may unintentionally have fallen.

His Excellency will be obliged by receiving your reply in the course of the ensuing week.

I have, &c.,

Addressed to (signed) *W. G. Nunes*, Secretary.

Honourable Richard Barrett.
Honourable Robert Allwood.
Honourable John Mais.

Sir, Spanish Town, 22 June 1836.

We have received your letter of the 16th instant, severally addressed to us by command of his Excellency the Governor.

We understand from that letter that the Secretary of State for the Colonies has directed his Excellency to procure from the Attorney-general a report of what may have been the opinions delivered by us, the judges, on the trial of Mason against Oldrey, upon any general question of law which arose or was discussed on that occasion.

It is admitted by Lord Glenelg that the executive Government, in instructing his Excellency "to transmit to each of the judges a copy of such report for any explanation or correction they may be pleased to make, are not entitled to call upon them for any statement of what they may have said in their judicial capacity on the trial of a civil action."

However, we are further informed that if we refuse correction or explanation the Secretary of State will feel compelled to lay before a Parliamentary Committee the report of the Attorney-general on Mr. Mason's case, as the only authentic statement which it has been

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No. 25. Despatch from the Marquis of Sligo to Lord Glenelg, 21 June 1836.

in his power to procure, and he will hold himself absolved from responsibility for any of those misapprehensions into which the Attorney-general may have unintentionally fallen.

In reply to this communication, we, in the first instance, assert our right to refuse an explanation, and add our fervent hope that this proceeding will not be drawn into a precedent to destroy the independence and the usefulness of the Jamaica bench.

We confine ourselves now to the general declaration, that the report conveyed to us as the production of the Attorney-general, is utterly unlike the real occurrences of the trial, and if a small portion of what really occurred is mixed therein, it is a laboured and garbled misrepresentation, calculated rather to support some particular object than to afford correct information for the service of His Majesty's Government.

If the report of the Attorney-general is laid before a Parliamentary Committee, it will be our care in justice to ourselves, and to the island system of judicature, to provide the same Committee with a true, clear and impartial statement of the whole of the proceedings which took place at the trial of Mason against Oldrey.

We have, &c.
(signed) *Robert Allwood.*
Richard Barrett.
John Mais.

W. G. Nunes, Esq.

Appendix, No. 26.

No. 26. Observations on Marriage Laws, by R. Matthews, Esq.

OBSERVATIONS on the State of the Laws relating to Marriage in the Emancipated Colonies. By *R. Matthews*, Esq.

THE importance of this subject is such as to demand for it the most serious attention. In pursuance of the permission granted to me by the Committee at an early stage of their labours, I proceed to present it to their notice.

With a view to brevity, I lay down at once the principles which I think ought to govern an inquiry into this part of the negroes' condition.

1. That marriage is of Divine institution.

2. That it is a natural right.

3. That where by the laws of a country a certain form or ceremony is required to perfect the marriage contract, that form and ceremony only can properly constitute the relation of marriage; with those exceptions which the law itself allows, or which may be otherwise provided for.

4. That where no such law exists, any present and absolute contract between parties naturally capable of contracting marriage is sufficient to, and does in fact, constitute the relation of marriage.

5. That where such laws exist for one class of the community (as for freemen), and not for another (as for slaves), the class to which such laws do not apply are in the same situation as if no such laws existed.

6. That whenever marriage could be legally contracted between the parties (without respect to the claims of third persons), the rights and privileges as well as the duties of that state were incidental to it without the enactment of positive laws to create or enjoin them.

In most of the British colonies the marriage laws affecting persons of free condition are the same as, or similar to, those in England; but, from the paucity of the persons appointed to perform the ceremony required, the facilities for its solemnization have been far fewer than in this country; and now the whole population has become legally free, the difficulties have proportionably increased. A remedy is imperatively required. It will be necessary only to allude to those laws on the present occasion as they affect the past; but for the future a new system, affording greater facilities and applicable to the whole community, has become essential to the peace and wellbeing of the colonies.

To the slave those laws did not apply. To the emancipated negro they do. It has become, therefore, a matter of the utmost importance to ascertain and settle those relations in each individual case, not merely with a view to the possession and transmission of property, but also for the purpose of duly enforcing and securing the duties, rights and privileges incident to the marriage state, and for preventing the formation of new and illegal connections under colour of the law.

Until a comparatively late period the colonial statute books were silent upon the subject of slave marriages, and even in those colonies which received their laws from the dictation of the Crown, it seems to have been considered as of so little importance as not to have induced, until a recent period, any attempt to provide for them. The impossibility of giving that institution proper effect under a state of slavery may, perhaps, in some degree extenuate the omission. At length the attention of the Government at home and the local legislatures abroad was awakened; ordinances were promulgated and laws passed; of which the following, as far as I have been able to collect them, are minutes:

Jamaica.—The said clergyman (*i. e.* of each parish) shall also without fee, marry, with their owner's consent, any slaves who have been baptized and are desirous of contracting matrimony, if such clergyman shall upon examination of the parties consider them to have a proper and adequate knowledge of the obligations of such a contract.—Consolidated Slave Law of Jamaica, 7 Geo. 4, c. 23, s. 4; passed 22 December 1826.

Barbadoes.—The clergy shall solemnize matrimony between slaves with the owner's consent;

No. 26.
Observations on Marriage Laws, by R. Matthews, Esq.

consent; and registers of all baptisms, marriages and burials shall be duly kept.—Act, 18 October 1827, ss. 1–3.

St. Vincent.—Parish clergymen shall solemnize matrimony without fee or reward, between such slaves as, applying with their owner's consent, appear to be sensible of the obligations of the marriage vow.—Act, &c., 14 March 1827, s. 10.

Grenada.—All owners or managers are required to cause every infant to be baptized within six months of its birth; and all such adults as can be made sensible of religious duty. Clergymen of the parish required to perform ceremony gratis.—Act, dated 24 November 1828, s. 4.

Section 5 provides for the solemnization of matrimony, where parties belong to the same owner and have his consent, if they appear to be sensible of the obligation of the marriage vow.

Dominica.—Act, 3 April 1827. No provision respecting marriage.

St. Christophers.—Clergymen shall solemnize matrimony between slaves applying with their owners' consent, and if owners refuse, the slave may, through the Attorney-general, move the Court of King's-Bench, which, the owner failing to show just cause of objection, shall grant the application.—Act, 18 March 1829.

Nevis.—"An Act for regulating the Solemnization of Marriage among Slaves, and for declaring such Marriages valid and effectual in law."—Act, October 1828.

Clergymen to celebrate without fee or reward.

Owner refusing or neglecting to give permission, or not giving sufficient reasons, the ordinary may direct the solemnization of marriage.—Art. III.

Tobago.—Clergy to celebrate matrimony gratis between parties applying with the owner's consent, and appearing sensible of matrimonial obligations.—Act, 15 August 1829, s. 12.

Bermuda.—Act, July 1827, s. 38, provides for the intermarriage of slaves without fee or charge, if with the owner's consent; such marriages, as also baptisms, to be formally registered.

Antigua.—Rewards given to slaves cohabiting as man and wife, and not yet capable of understanding the religious obligations of marriage, or, if married, observing the marriage vow; four dollars premium for the first, and five for each succeeding child born in faithful connexion with one man as husband and wife; one dollar per annum whilst they live together observant of conjugal fidelity.—Leeward Is. Act, 21 August 1798, ss. 22. 26.

Any white person cohabiting with a female slave who shall have elected a husband to forfeit 100 *l.*—s. 25.

N. B.—Montserrat, Virgin Isles, St. Kitts and Nevis were also under the operation of this law of Antigua.

Demerara.—No slave incapable in law of contracting marriage, and that in case of owner's refusal, and subsequent failure to prove to protector that such proposed marriage would be injurious to the slaves themselves, protector may issue his authority to any licenced clergyman or teacher to solemnize such marriage; of which a register is to be kept. —Order in Council, 2 February 1830, s. 37.

N. B.—Berbice, Trinidad and St. Lucia were under the same order.

It is unnecessary to dwell upon the iniquity of these laws. The slave was to be allowed the benefits of a Divine institution, and the exercise of a natural right, with his master's consent!

If I am correct in the above principles, and they are put down for the purpose of being tested, all actual contracts between slaves naturally capable of contracting matrimony, and of which evidence can be furnished, were, as between the contracting parties, and, by the effect of the emancipation, both as to the contracting parties and all others, now are valid and binding; the issue of such marriages are legitimate, and capable of inheriting and succeeding to the possession of their deceased and intestate parents; and the marriage of either of such parents with another party during their joint lives, will render the unfaithful party liable to the pains and penalties of the crime of bigamy. The question of the validity of these marriages is of the most grave and serious importance; involving as it does, in the highest degree, the temporal welfare and the moral condition of hundreds of thousands of His Majesty's subjects.

Nor will its effects be confined to the negro population alone. Independent of its general moral bearings, titles and relationships will necessarily be affected by it for generations to come.

The colonial laws and ordinances referred to have not amended the matter but rather made it worse. It becomes an additional question, when laws were provided which were intended to apply to their condition as slaves, whether contracts of matrimony, the binding even on the parties themselves, must not have been made according to the provisions of those laws. At least, it is presumed they became encumbered with the necessity of procuring the master's consent whenever it was required by the law.

That an immense number of slave marriages were contracted and solemnized independent of such laws, cannot be doubted. The missionaries who laboured among the slaves felt bound to press this moral obligation upon their converts; and those of some denominations, from the same consideration, were forbidden by the rules of the societies under which they acted to admit any within the pale of their churches who refused to sanctify their connexion by the band of marriage.

One of those societies, whose establishments have been most extensive in the slave colonies, and their labours proportionably successful, lately presented a memorial to His Majesty's principal Secretary of State for the Colonial Department upon this subject; which,

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as it shows their high sense of its importance, and in some degree developes the working of the present state of things in a clear and decisive manner, I take the liberty to combine with these observations :

No. 26. Observations on Marriage Laws, by R. Matthews, Esq.

MEMORIAL, &c.

"Wesleyan Mission-House, 77, Hatton-garden,
"My Lord, "24 February 1836.

"THE Committee of the Wesleyan Missionary Society most respectfully solicit your Lordship's attention to the following statement respecting the serious interruption in their labours which the missionaries of the society experience in the late slave colonies, and the great injury to the cause of religion and public morals which results from the present unsettled state of the marriage question in those colonies.

"In order to form a correct estimate of the magnitude of the evil complained of, it is necessary to glance at the lengthened period which has elapsed since the society commenced its operations in the West Indies, and also at the extent of the missions which it has there established. It is now half a century since the Reverend Dr. Coke founded the first Wesleyan mission at Antigua; and the work which then commenced has been prosecuted with such success, that the society has now flourishing mission establishments at Antigua, Dominica, Montserrat, Nevis, St. Christopher's, Tortola, Anguilla, St. Vincent's, Grenada, Trinidad, Barbadoes, Tobago, Demerara, Jamaica, New Providence, Eleuthera, Harbour Island, Abaco, Turk's Island and Bermuda. The number of accredited members or communicants, chiefly blacks and coloured people, at those stations, amounts to at least 32,000 persons; while more than twice that number of people, not as yet members of society, attend the ministry of the missionaries and receive catechetical and school instruction. These societies and congregations are placed under the care of 76 ordained missionaries, sent from this country, besides a considerable number of subordinate agents, who act under their direction.

Regarding the divine institution of marriage as necessary to secure the foundation of public morals, as the very bond and cement of all well-ordered society, and viewing concubinage as directly opposed to the spirit and precepts of Christianity, the society has made it one of the standing rules which the missionaries are under obligation constantly to observe, that no person can be admitted as church members or communicants while living in concubinage, nor can any who are now church members be allowed to remain in the number of communicants should they enter into the state of concubinage. Previously to the introduction of the great national measure of negro emancipation, the missionaries were, therefore, instructed to perform the ceremony of marriage among the slave members of their respective flocks, as well as among those slaves who, after receiving Christian instruction, sought to become members; and they were furnished with books suitably prepared, in order that they might keep a faithful register of all the marriages which they solemnized. The enclosed leaf has been abstracted from one of those register-books [*the form here referred to accompanied the memorial*] that your Lordship may be enabled to judge of the care which has been taken to preserve due evidence of the marriages performed by the missionaries of the society.

"So long as the state of slavery continued, those marriages, although not formally recognized by law, were, notwithstanding, regarded as morally good and binding, and were productive of very salutary effects. The negro mind showed itself susceptible of the sacredness of the union which religion had cemented, true conjugal affection was created, parental and filial affection were strengthened, the domestic virtues were elicited, and the negro marriages, generally, were so many benefits conferred upon society at large.

"The abolition of slavery has placed the question of negro marriages in another light, and has incidentally introduced a new and painful state of things. These marriages among the negroes, which were performed by the missionaries of the society while the negroes were regarded by the law as 'goods and chattels,' as 'things' rather than 'persons,' were sufficient to answer the purpose of marriage, so long as such continued to be the legal condition of the negro population; but no sooner were the negroes elevated to the state of 'persons' and freemen, than doubts were raised respecting the validity of their former marriages. As freemen they had become capable of contracting legal marriages, and the question arose whether the marriages which they entered into while slaves were legally binding on them as freemen; and with this question, that of the legitimacy or illegitimacy of their children, the fruit of those marriages, intimately connected itself. Great is the evil which is felt in this new state of things. The mass of the married negro members, at most of the mission stations, are reduced to the painful alternative either to submit to the unmerited reproach of living together in concubinage, or, by being remarried according to the form required by law, thus to illegitimate their children, and render them incapable of inheriting property. Instances, moreover, are not wanting, where negroes, in whom temptation proves stronger than principle, taking advantage of the uncertainty which now prevails upon the subject of past slave marriages, desert their wives and children and marry to other persons.

"But the unsettling of past negro marriages is not the only evil complained of. The difficulty experienced in the celebration of legal marriage is also extensively and painfully felt. Excepting in Demerara, and in those of the Bahama Islands, where there is no minister of the Established Church, the missionaries of other denominations not being empowered by colonial law to marry free persons, cannot any longer celebrate marriage among the negroes. In these circumstances, owing to the paucity of clergymen of the Church of England, in several places marriage cannot be legally celebrated at all; and in other places, where there are clergymen within reach, the expense and difficulty connected with the cele-

No. 26.
Observations on Marriage Laws, by R. Matthews, Esq.

bration of marriage in the places of worship belonging to the establishment, prove obstacles more formidable than the negroes are always prepared to encounter. The consequence is, that in numerous instances negroes, who were listening to the religious instruction imparted by the missionaries, and were bidding fair to become respectable and useful members of general society, yield to the pressure of circumstances, and forming illicit connexions, settle down in the state of concubinage.

" The correspondence of the missionaries on this important subject is far too extensive to be submitted at length to your Lordship; but a few extracts will be sufficient to afford your Lordship an opportunity of judging, from their own words, how deeply the missionaries are convinced of the necessity of providing an adequate remedy for the existing evil. In the year 1834, on the very eve of the abolition of slavery, the missionaries from 10 islands, assembled at their annual meeting at Antigua, remark,

> ' It has afforded us great pleasure to learn that the committee are considering the marriage question. If this were once favourably settled, so as to render all our past marriages, as well as those which we may celebrate in future, valid in the eye of the law, it is impossible to calculate the benefit that would accrue. We trust that affairs will be overruled by Divine Providence, so as to bring this to pass, and thus prevent the inconceivable discord which must otherwise inevitably ensue.'

" The importance of the speedy settlement of the negro marriage question was so clearly perceived by some leading persons in Antigua, that a Bill for the purpose of confirming the past negro marriages was introduced into the House of Assembly; but even this moderate Bill could not be carried. The consequences of this failure are thus dwelt upon by the Rev. Matthew Banks, the Society's senior missionary in Antigua, under date of July 26, 1835:

> ' Archdeacon Parry and the Rev. C. Grant called on me this morning, on the subject of slave marriages. The want of a Bill, somewhat similar to that which was rejected by the Honourable House of Assembly last year, is now painfully felt. Many of the most intelligent of the emancipated people have discovered that their past marriages confer on them no civil benefits, neither do they legally impose upon them any civil obligations. Too many are ready to take advantage of these facts, and forsake those to whom they were solemnly and religiously married, and by whom, in many instances, they have a young family.'

" In the spring of last year the missionaries belonging to eight other stations, at their annual meeting in the island of St. Vincent's, dwell on the

> ' Unfortunate bearing which the Abolition Act has had on past missionary marriages; of the difficulty which arises out of their being not legally authorized to celebrate marriage, and on their unanimous resolution not to solemnize any more marriages, in the present unsettled state of the marriage question.'

" In accordance with this statement, the Rev. John Mortier, chairman of the meeting, writes, on his return to Barbadoes, 25th April,

> ' That the Abolition Act has not had a favourable bearing upon marriages celebrated by the missionaries;' and adds, that ' as those who might be hereafter joined in marriage by ourselves would not be considered legally united, while the present laws remain in force, and the parties would in consequence be liable to separation, we have determined to celebrate marriage no more, until something be done to give validity to such unions; and we must earnestly request the committee to take this subject into their most serious deliberation.'

" The missionaries in Jamaica also remark, ' before the 1st August 1834 we were in the habit of marrying our own slave members;' and they add, ' that they cannot now meet the wishes of their people by celebrating marriage among them as formerly.'

" On the 21st of August (1835) the Rev. Mr. Gordon writes as follows from St. Christopher's: ' What can be done in reference to the marriage question? It appears neither prudent nor safe for us to celebrate marriage until a law passes enabling us to do so. Many persons, who appear to be enlightened and impressed under our ministry, come to me to be married in the chapel; I invariably recommend them to apply to a clergyman, but this advice they will not take. The expense and ceremony of being married in the church the poor negro cannot bear. Two evils result from this state of things; the poor people continue to live in immorality, and are in consequence excluded from church-fellowship with us; and besides this, the marriages formerly celebrated by missionaries are questioned as to their validity, and by many, who wish to prove them such, are regarded as nugatory.'

" From St. Vincent's the Rev. John Philp writes, on the 8th October last,—' I am sorry that we have not yet obtained authority to marry those people who apply to us for that purpose. Great dissatisfaction prevails among the people on this subject. The marriages formerly celebrated by the missionaries are not considered to be legal. Of this, those who have been married at the church take advantage, and triumph over the others, telling them that their marriages are not good. When they come to consult me upon the subject, I am not able to assure them that their marriages are legal; and some go to church to be re-married, while others are separating from each other. It is uncertain where the mischief will end, if past slave marriages be not confirmed; we hope relief will come soon.'

" On the 18th of the same month (October) the Rev. E. Vigis, of St. Vincent's, says, ' In accordanc

No. 26.
Observations on Marriage Laws, by R. Matthews, Esq.

accordance with my brethren, I also would take this opportunity of respectfully urging upon the attention of the committee the subject of marriage. Under the accursed system of slavery it was our practice to unite the people, giving them to understand that in the sight of God their union was strong and binding. Much good resulted from those marriages; but in the new state of things they are now unsettled. Many of the parties thus joined together are becoming dissatisfied, and some get remarried in the church, not always to the same persons.'

" On the 21st of the same month the Rev. James Rathbone writes also from St. Vincent's to this effect: 'The question of the past marriages celebrated by the missionaries, never assumed a graver aspect than at present. The subject has excited much interest in more islands than this; and never was there a period when it was so necessary for the committee to do all in their power to procure the legalization of the marriages which the missionaries have celebrated. A couple was married the other day by the clergyman at Kingston, with the certificate of the former marriage of the man to another woman, who is still living, in his hand. The marriage had been solemnized about 12 years since; and now the man has left his former wife and taken another. I have lately had to expel three persons from the society for openly avowing their intentions to follow this example.'

Such is the case, which is with great respect and deference submitted to the consideration of your Lordship. The committee, painfully alive to the trying situation in which many thousands of the people under the care of the society's missionaries in the late slave colonies are thus placed by the incidental operation of the Act designed for their benefit, cannot allow them to remain in circumstances which impose upon them the necessity of submitting to the undeserved odium of living in concubinage, or of illegitimating their children by being remarried according to the form required by law. The committee cannot abandon them to this cruel alternative, and at the same time leave the societies at the mission stations, generally, destitute of a suitable provision for the due celebration of marriage, without making the utmost efforts to obtain an adequate remedy for the emergency which has unhappily occurred. The committee are persuaded that your Lordship will not be found indifferent to a subject affecting so seriously a large proportion of the negro population of the late slave colonies; for if, by the unsettling of such a vast amount of negro marriages, the illegitimating of the children, the fruit of those marriages, and the want of proper facilities for celebrating legal marriage, the very foundations of morality and good order are thus to be undermined and weakened, the paternal care shown by His Majesty's Government and the Imperial Parliament, in furnishing the means of religious instruction to the negro and coloured population, must necessarily, to a very great extent, be defeated, and their liberality be bestowed in vain.'

" Encouraged especially by this consideration, the committee most respectfully, but most earnestly and importunately, solicit your Lordship to procure that the principle of the General Marriage Bill, which a noble member of Government has submitted to the House of Commons, may be applied to all the late slave colonies also; or that a separate contemporaneous measure, expressly adapted to those colonies, may be prepared; or that such other means may be provided as your Lordship and His Majesty's Government may see fit to adopt for legalizing all past negro marriages performed by accredited missionaries of all Christian denominations, and of which due evidence can be produced; and for empowering all regular Christian missionaries equally with the clergymen of the Church of England, to solemnize legal marriage for the future, in all the chartered as well as Crown colonies affected by the operation of the great national measure of negro emancipation.

" The committee will not venture to trespass further on your Lordship's indulgence than briefly to advert to the peculiar circumstances of the missionaries in Bahama. The local Bill, empowering the missionaries to solemnize marriage in those islands where there is no clergyman of the Church of England, is regarded by the committee as a very inadequate provision for the new state of things resulting from the abolition of slavery; but they have understood that another Bill has been adopted by the Bahama Legislature, to one part of which they feel themselves under obligation decidedly to object. They are informed that a Bill received the assent of his Excellency the Governor during the course of the last year, which, while professing to have for its object a more perfect registration of births, baptisms, marriages and burials, does in fact deny to missionaries who are not ministers of the Church of England the right to administer the ordinance of baptism, except in those islands where there is no clergyman of the Established Church. This interference with the missionaries in the exercise of what is strictly a ministerial function, the same divine commission which authorizes Christian ministers to preach empowering them also to baptize, the committee cannot regard otherwise than as a violation of the principles of religious liberty, as extended to the West India colonies by the Abolition Act of the Imperial Parliament; and they most earnestly implore your Lordship to advise His Majesty, whenever such Bill may be laid before him, to withhold from it the Royal Assent.

" Hoping that the great importance of the subject will prove a sufficient apology for addressing your Lordship at such length," &c. &c.

I am in possession of the answer to this memorial, but do not feel at liberty to transcribe it; justice, however, renders it necessary to state, that it expresses an earnest desire to place the whole subject upon a sound and liberal foundation.

The acts of the Bahama Islands, referred to in the latter part of the above memorial, are,

First, No. 885, intituled, " An Act for giving greater facility to Marriages in Islands within this Government, whereon there may be no resident clergyman of the Church of England." Passed 23d December 1834.

This Statute enacts, that it shall be lawful on islands within this government whereon

No. 26.
Observations on Marriage Laws, by R. Matthews, Esq.

there may be no resident clergyman of the Church of England, and not otherwise, for dissenting ministers to solemnize marriage.

Second. No. 904, intituled "An Act for securing an efficient Registration of Births, Baptisms, Marriages and Deaths within the Colony, and to provide for the Baptism of Children in Parishes and Districts where there may be no Resident Minister of the Church of England." Passed 24th April 1835.

Sect. 1 of this Statute enacts, that "the forms contained in schedule (A.)" (of the Act, and which are inadequate for the purpose) "shall be the legal and only proper forms in which the respective registers of births, baptisms, marriages and deaths shall be observed and kept by the clergy and churchwardens in every parish throughout the colony, where there may be either, in pursuance of the directions contained in the 8th section of 'An Act for the erection and repairing of Churches, &c.,' passed in the fourth year of the present reign*.

Sect. 2 enacts, that in parishes and districts where there is no resident minister of the Church of England, or churchwardens, the person there performing the rite of baptism, marriage or burial, shall make a report of the same to the nearest justice of the peace.

Sect. 3, to which the memorial more especially refers, reciting, "That no provision has hitherto been by law made for the baptism of children in parishes and districts where there is or may be no resident clergyman of the Church of England," enacts, "That it shall and may be lawful, in such cases only, for any minister of some known religious Christian sect, connexion or persuasion, to baptize or christen any child or children, on application for that purpose by the parents or guardians of any such child or children," and shall report the same to the nearest justice of the peace.

The profound ignorance of law and legislation manifested by this enactment, can only be equalled by the outrage it perpetrates upon religious liberty. Baptism, even by the hands of laymen, has ever been held valid by general councils, by the church and by the common law of England. *See* 1 Burn, Ecclesiastical Law, 115; Matthews' Executors' Guide, 71.

I proceed to the suggestion of remedies.

No remedy can be effectual which does not fully determine the validity of slave marriages solemnized previous to the emancipation, in whatever forms those contracts may have been made, as well as provide for the future. For this object I apprehend neither legal opinions, nor even judicial decisions, will be sufficient; both may be wrong, at least may be overruled, upon points of vital importance. Nothing less than legislative enactment will avail. Such an enactment ought to settle the nature of the proofs upon which a valid contract shall be presumed. It should be declared that such contracts are indissoluble, and that all the incidents of marriage attach to them. The declaration should extend to the case of parents now dead, for the benefit of their children, where such contracts shall be duly proved: means should be provided to ascertain such contracts. Perhaps no better would be found than commissioners appointed for the purpose. Their labours would be materially, and in thousands of cases decisively assisted by the registers which have been kept by the church and by the missionaries. On this point I beg to refer to the memorial of the committee of the Wesleyan Missionary Society, already transcribed. Following the precedent of an Act of the province of Canada, parties might be allowed to appear before the commissioners, and to declare that they had, at a certain previous time, entered into a contract of marriage; and upon registration before the commissioners, such contracts should be deemed a valid marriage from the time it was so declared to be made. Certificates should be given by the commissioners, and their report, duly authenticated, should be enrolled in some public court, and certified copies of the registrations therein contained should be declared to be good evidence.

Provision should also be made for the future solemnization of marriages, and the preservation of evidence of them. Simplicity, economy and facility, with a due regard to the prevention of clandestine marriages, should be kept in view in framing laws for this purpose, and they should be general in their application; legal caste is abolished.

In several colonies there are laws imposing heavy penalties upon any others than clergy of the Established Church marrying persons of "free condition." All are now become of that condition, and many penalties have been inadvertently, indeed almost inevitably, incurred by ministers of other denominations. They ought to be indemnified, and enabled to perform the ceremony in future under proper regulations.

If this work be left to the colonists alone, it will probably never be, or at most but very imperfectly executed by those which have legislatures of their own. The specimens already given in the Bahamas show the necessity of keeping a vigilant eye upon them, especially when it is considered that those acts escaped being disallowed at home.

The following further specimens are submitted to the consideration of the Committee:

Grenada.—No. 284, intituled, "An Act to alter and amend an Act of these Islands, commonly called the 'Clergy Act,' so far as the same relates to the time of the Publication of the Banns of Marriage, and for other purposes." Passed 22 May 1833.

Reciting

* This statute is numbered 864. Sect. 8 enacts that books shall be bought in which registers of births, christenings, marriages and burials are to be made, under a penalty of 5*l.* for any default, and directs that the following fees shall be paid:

	£.	s.	d.
Clerk for the entry of every marriage and burial - - - - - -	-	2	-
Minister for marriage within the church 4*s.*, in any other place - -	-	3	-
Clerk - - ditto - - - ditto - 2*s.* - - ditto - - -	-	16	-
Ditto for funeral - - - - - - - ditto - - - -	-	8	-
Magistrate, marriage by licence - - - - - - - - -	-	8	-

No. 26. Observations on Marriage Laws, by R. Matthews, Esq.

Reciting the title of the "Clergy Act," (dated 11 December 1807,) by which it is enacted that no marriage of any free person shall be performed and solemnized within this government except by the rector of one of the cures therein, after the publication of banns or by licence; declares marriages otherwise solemnized void, and subjects the "rector or other person solemnizing the marriage, and the party or parties taking each other as married, otherwise than as aforesaid," to a fine of 100 *l.* currency.

St. Christopher's.—No. 104, intituled, "An Act for preventing Clandestine Marriages in the Island of St. Kitts."

By sect. 1, persons to be married shall be called three times in the church of the parish where one of the parties resides, or take out a licence from the secretary's office.

Sect. 2 enacts that persons marrying any couple otherwise shall forfeit 100 *l.*

This is an old Act, but I believe is still in force.

Cape of Good Hope.—By an Ordinance, No. 89, passed previous to 1833, the Governor is authorized to abolish the then matrimonial courts and to establish others. And by an Ordinance of 25 June 1835, a matrimonial court is established at Fort Beaufort. The nature of these provisions I am not fully aware of.

Mauritius.—An ordinance, No. 4 of 1835, dated 1st February 1835:

By Art. 4, "The celebration of a marriage of an apprentice with a woman apprentice shall be made publicly by the civil officer at the domicile of one of the two parties, without any other previous formality than the written consent (to be mentioned in the Act of marriage) of the master or masters, mistress or mistresses, of both the apprentices, or on their refusal without just cause (admitted to be such by the special justice of the district), with the authority of the special justice, which latter must in such case be mentioned in the marriage certificate, and remain annexed to the register."

When the two apprentices belong to different sections, the refusal of the special justice of either of the sections shall prevent the celebration of the marriage.

The marriage shall be solemnized gratis.

Not a single word need be said of such an ordinance as this passed after the abolition of slavery.

Antigua.—In the autumn of 1834 a highly objectionable Bill was brought into the House of Assembly upon the subject of marriage, but was rejected, not on the ground of its deficiency, but because it was thought to concede too much.

In Jamaica, and the other chartered colonies not before mentioned, I have not been able to discover that anything has been done, either in the way of indemnity for the past or to provide for the future.

British Guiana.—In this government an ordinance has been promulgated, upon which more than ordinary attention appears to have been disposed, and which may be taken as a model with advantage in most instances. I have heard of only one practical objection to it. This arises on the second section, which authorizes the publication of banns for three Sundays preceding the marriage; and by sect. 4 it appears clear that they are to be Sundays in immediate succession. In places where ministers of the Gospel are few, and their flocks far apart, or especially in detached islands, it is often impracticable for the minister to visit his flock more than once in two or three weeks, and in many cases at much longer intervals. To comply with the ordinance in such cases is impracticable; the difficulty would, I think, be met by providing that the banns may be published on three such Sundays in succession on which the public worship shall be performed by any such minister, &c., as is therein mentioned. The substance of the ordinance is as follows:

No. 58. Intituled "An Ordinance to alter and amend the Law for the Regulation of Marriage within this colony." Passed 2 May 1835.

Sect. 1. Repeals Ordinance No 52.

Sect. 2. Any clergyman of the established Church, minister of the established Church of Scotland, Dutch reformed Church, Roman-Catholic priest, minister of the Christian religion, duly ordained according to the usage of the persuasion to which he may belong, and duly licensed as a minister of the gospel in the colony, may publish banns for three Sundays preceding the solemnization of the marriage; cases where the parties are of different persuasions, or reside in different parishes, provided for.

Sect. 3. Banns in force for three months only.

Sect. 4. Minister shall not solemnize marriage (except by special licence) without publishing for three successive Saturdays, in the Colonial Gazette, notice in the Form A.

Sec. 5. Minister so publishing banns and notice shall be liable for marrying persons under 21 without consent.

Sect. 6. The Governor may grant special licences.

Sect. 7. No proof of the actual dwelling of the parties afterwards necessary.

Sects. 8, 9. Limit the power of Governor to grant licences.

Sect. 10. Provides for cases where the parents and guardians are *non compos*, &c.

Sect. 11. No suit to compel marriage.

Sects. 12, 13. Provide for the registration of marriages.

Sect. 14. Fees:—1. Special licence - - - - - - - - - *f.* 66.
2. Marriage ceremony, and copy of register - - - - *f.* 3.
3. Copy of Register - - - - - - - - - *f.* 1.
4. Advertizing notice - - - - - - - - *f.* 3.

No 26
Observations on Marriage Laws, by R. Matthews, Esq.

Sect. 15. When Berbice is divided into parishes the provisions of this Ordinance to be binding there.

I think there ought also to be a provision that no proof that the minister was ordained or licensed should be afterwards required. No marriage ought to be impeachable for the fault of third parties. I intended to add some further suggestions, but this paper is already drawn out to a far greater length than I contemplated.

(signed) *R. Matthews.*

19 July 1836.

Appendix, No. 27.

No. 27.
Remarks on Jamaica Abolition Acts, by Captain Oldrey.

REMARKS on JAMAICA ABOLITION ACTS communicated to Lord *Glenelg* by Captain *Oldrey*.

AMENDMENTS imperatively required to be made in the Jamaica Act for the Abolition of Slavery, passed on 12th December 1833, and the Act in Aid of ditto, passed 4th July, 1834, for the well-working of the Apprenticeship System, with important Cases to elucidate and establish its necessity, respectfully submitted by Captain *William Oldrey*, Special Magistrate for Jamaica. August 4th 1835.

Relative to the non-registry of Maroon slaves, and others. Its ruinous effect.

Clause 1. Many indigent and poor coloured creoles, including the Maroons, are by the non-registry of their slaves, deprived not only of their share of the compensation, but also of the services of those slaves during their apprenticeship. This non-registry is not imputable to wilful neglect, but to their ignorance of the law, which, if carried into effect without any mitigation, would leave the small proprietors utterly ruined. These creoles were not accustomed to field labour, but derived their support from the land, and the labour of their former slaves. If deprived of the latter, as apprentices, their lands will, of course, become valueless, while at the same time, compensation is denied. Could a mitigatory proviso be enacted, a rule laid down in favour of those innocent and ignorant people, it would be an act of great mercy and justice, as it would preserve many indigent families from total ruin.

Impediment to a just compensation of tradesmen and domestics on estates and pens as non-prædials.

Clauses 4, 5 and 6. These clauses direct the division of the apprenticed labourers into three distinct classes, and the termination of the term of their apprenticeship. The first of such classes consisting of prædial apprenticed labourers attached to the soil, and comprising all those persons who in their state of slavery, were usually employed in agriculture, or in the manufacture of colonial produce, or otherwise; the second of such classes consisting of prædial apprenticed labourers not attached to the soil, and comprising persons who, in their state of slavery, were usually employed in agriculture, or in the manufacture of colonial produce, or otherwise, upon lands not belonging to their owners; and the third of such classes consisting of non-prædial apprenticed labourers, and comprising all apprenticed labourers not included in either of the two preceding classes, Provided always that no person of the age of 12 years and upwards, shall be included in either of the said two classes of prædial apprenticed labourers, unless such person shall for 12 calendar months, at the least, next before the passing of this present Act (28th of August 1833) have been habitually employed in agriculture, or in the manufacture of colonial produce. This proviso is re-enacted in the 2d clause of the Jamaica Act in Aid, dated July 4th 1834, when that contained in the 4th clause of the original Jamaica Act of the 12th of December 1833, was repealed.

The words, "or otherwise" condemn all the apprentices who are tradesmen or domestics on estates and pens, to a servitude of six years; whereas in towns, tradesmen and domestics are classed as non-prædials, and bound to a servitude of four years only. This naturally is the cause of much discontent amongst the country tradesmen and domestics, because they consider themselves deprived of the benefit of the law, which their brethren in towns enjoy. The ill consequences of the present uncertain mode of classing will not be fully developed until the non-prædials in towns have terminated their period of apprenticeship. A proviso in the same clause both in the British and Jamaica Acts ought to decide the case in favour of the country tradesman and domestic, because they are not technically labourers, and were not habitually employed in agriculture or in the manufacture of colonial produce, (although incidentally during the crop season, they may, in emergency, have been so engaged) and to strengthen this view of their case, it will be seen that in the proviso of the above quoted clause, the words "or otherwise" do not appear.

The division or classification specified by the Act is directed to be carried into effect "in such manner and form, and subject to such rules and regulations, as for that purpose shall be established, under such authority, and in and by such acts of assembly, ordinance, or orders in council, as hereinafter mentioned."

Now the Jamaica House of Assembly has not established any rules or regulations for the purpose, but has merely restricted itself to the words of the British Act. The consequence is, that the apprentices are not, at this period, legally classed, although persons appointed by the commissioners for compensation as valuers have professed to execute their offices, which, from the loose and illegal manner of their proceedings, have been anything but fulfilled, except in fixing a nominal value on nominal classes, confined solely to the estimate for compensation. In the returns of some parishes, few, if any, of the negroes have been permitted by the nominal valuers to be classed as non-prædials.

It is therefore of the greatest importance that the attention of the Jamaica legislature should especially be called to the defect above mentioned, and the application of a timely remedy.

No. 27.
Remarks on Jamaica Abolition Acts, by Captain Oldrey.

remedy. For this purpose, a clause should be enacted in favour of country tradesmen and domestics being entitled to be classed as non-prædials; and it would also be of present and future advantage both to the master and apprentice, were a proviso to be added thereto to this effect, "that it shall and may be lawful for the master and apprentice to make any agreement as to which class the apprentice shall belong, provided such arrangement should appear just and right to the special magistrate of the district, when his sanction for the same shall be held as binding on both parties; and another proviso should be added, to make it lawful for a special magistrate to sentence any non-prædial, who may have been duly convicted before him of any felonious act, misdemeanour or general misconduct, to be transferred to the class of prædials, and to be otherwise employed than in domestic service."

Impediments raised by proprietors, and confirmed by the local magistracy, to apprentices purchasing their freedom.

Clause 8. Makes it lawful "for any such apprenticed labourer to purchase his or her freedom, even without the consent, or in opposition (if necessary) to the will of the person or persons entitled to his or her services, upon payment to such person or persons of the appraised value of such services," but the manner, form and conditions of the appraisement to be effected as directed by clauses 9 and 10 of the original Jamaica Act, and the 3d clause of the Act in Aid of ditto, render the spirit of the British Act completely nugatory. In fact the rules and regulations laid down by the Jamaica Acts tend virtually to deprive the apprentices of the power of purchasing out the term of their apprenticeships at all: an evil which results from the excessively high appraisements usually made by the local magistrates, who are directed to associate with one special magistrate on such occasion; the latter being too frequently outvoted by the others, as to the price demanded for the unexpired term of the apprenticeship, the exorbitancy of which price precludes the possibility of purchase, and this too often happens to the very best apprentices, who are valued according to their ability or behaviour, and thereby compelled to pay a premium for their general good conduct to their owners, the very claims arising out of their own merits being thus turned against themselves.

Cases in illustration.

The unexpired term of one apprentice attached to the Bog Estate, under the charge of Mr. Thomas Tait of Westmoreland, was valued at 209 *l.* currency; which sum was actually paid, and I saw the receipt for it, signed by the magistrate.

Two brothers, named David and John Anderson, apprentices on the Bagdall Estate, St. Elizabeth, were unable to pay the exorbitant prices demanded for their unexpired term of apprenticeship; and they were still serving as apprentices on that estate when I left Jamaica. What renders their cases extremely painful is, the circumstance of their father having left a sum in charge of Lieut.-Colonel Hutchinson, of the St. Elizabeth militia, to purchase out their freedom from slavery; but this dying request of the parent was opposed by Mr. James Daly, then the attorney for that estate, the slave law giving him the power so to do. Their situation, notwithstanding the ill state of health of the younger brother, which requires change of climate, presents but little hope of amelioration, the exorbitant appraisement of the magistrate having closed upon them the prospect of redemption.

Proposed remedies.

To provide against difficulties of this nature, I propose that an equitable scale of appraisement should be laid down, estimating the value of the apprentices' services on a general average of the price of slaves for the last 15 years, deducting therefrom the compensation, the remainder to be the valuation of the entered apprentice, from which a further deduction should be made of one-third for contingencies, the then remainder to be divided into six parts for the prædials, and four for the non-prædials, which should be deemed the yearly price of such apprentices' services, and in that ratio the remaining term should be estimated, the sum thereby resulting being deemed a just and equitable valuation for the services of the said apprentices. Upon the amount of such sum being paid, the special magistrate shall grant a certificate to the apprentice (which in courts of law, shall be considered also as a receipt) in the form contained in the 10th clause of the hereinbefore recited Act of the 4th William 4th, c. 42, when he shall be immediately released from his apprenticeship.

Words "bargain and sale" should be struck out, as being contrary to the spirit of the Act, which is degrading to the apprentice.

Clause 15. From this clause the words "bargain and sale" should be expunged, being contrary to the spirit of the British Act (although, unfortunately, not so to the letter) and also to the 1st, 3d and 17th clauses of the Jamaica Act for the Abolition of Slavery. Moreover, it should be enacted, that it shall not be lawful for any levy to be made on the person of the apprentice for any debt due, or that hereafter may be due by the master or manager; neither shall it be lawful for any supervisor or other person in charge of any gaol, workhouse, or house of correction, to sell, or otherwise dispose of the services of any apprentice for fees, &c., under a penalty not exceeding 5 *l.* for every such unlawful proceeding.

My attention has been drawn to transactions of this iniquitous character by public advertisements of such levies and sales having frequently appeared since the 1st of August 1834, both in the county papers, and as written placards.

Abuses in withholding the usual allowances of food to the apprentices.

Clause 16. The non-compliance of some of the proprietors, attorneys and managers, with the greater part of this clause, renders an explicit and particular enactment, with proportionate penalties, absolutely indispensable. Their construction and evasion of it proves the necessity for the interposition of the strong arm of the law to enforce them to obey both the spirit and its letter, without which nothing but injustice can prevail, to the prejudice of the apprentices, which must be attended with serious results to Jamaica.

Cases.

The apprentices are deprived, amongst other maintenances and allowances, of one part of their accustomed nourishment, consisting of salted fish, which forms a necessary part of their food, and which was allowed to them as slaves, it being then considered requisite for the preservation of their health. This cutting system has been generally brought into practice since the 1st August 1834, and even carried into the gaols, workhouses, and houses of correction;

No. 27.
Remarks on Jamaica Abolition Acts, by Captain Oldrey.

rection; a quart of unground Indian corn being the daily allowance for negroes confined or employed at work in the penal gangs in the parish of St. Elizabeth, without a particle of salted fish, or common salt, which they ought to be supplied with, if not as a condiment, at least as a medicine, to correct the ill effects of this purely vegetable diet. The 52d clause in the Slave Act directs that the slaves, even when in the workhouse, shall have sufficient provisions, of which fish is an expressly specified part, under a penalty of 10 *l.* Surely a remedial law ought not to be suffered to be so warped as to make the apprentices' comforts less than when they were in a state of slavery; under such a system of perversion and misrule the condition of the negroes is worse than that of the cattle of the field; and, in fact, my horses fared better than those unfortunate human beings.

Relative to clothing.

With reference to the clothing of the slaves, I now desire to quote the words which are found in clause 12 of the Slave Law, and which are so perverted by their masters, as to form a ground on which they take a position quite contrary to any meaning of the Act? "Every master, overseer, or possessor of slaves shall once in every year provide and give to each slave they shall be possessed of, proper and sufficient clothing."

A question may naturally be asked, In what way, from language so simple, a quibble could be raised to cause such disobedience of the law, defiance and misconduct as that which I feel compelled to relate? The Jamaica lawyers find it in the words "once in every year." The law does not say "at the expiration of every 12 calendar months," consequently if they issue clothing in January or February 1833, and in December 1834, the law is considered to be complied with, as they issue clothing once in every year. In this manner is the law evaded, and the negro robbed.

Cases in illustration.

It having been represented to me on oath, and afterwards fully and clearly established in court before me, that the apprentices attached to Content Hall Pen, belonging to a Mr. Mason, had not been supplied with clothing since February 1833, I made an order in court in September 1834, that Mr. Mason should forthwith issue the clothing which had been due for several months to his apprentices. This order Mr. Mason publicly refused to comply with, and set my authority at defiance in the presence of the assembled apprentices. The baneful and dangerous example in resisting the new law (in which the above clause was re-enacted), and defying the authority of a special magistrate in the execution of his duty, might have produced a spirit of insubordination, with all its most serious consequences, if the much-injured apprentices had imitated and followed the example; but their confidence in the special magistrate, their respect for the laws, and their forbearing self-government, restrained them.

That part of the 8th clause of the Act in Aid, relating to the supply of medicine and medical attendance, remains, by the construction given of it by the proprietors and their attorneys, a mere dead letter, as they evade the law by ordering any medicines they may think fit for their sick apprentices, without consulting any properly-qualified surgeon or physician, and call the mere act of such medicine being given, whether fit or unfit, by the person they direct (usually a fellow-apprentice) "medical attendance." In this manner they resist the authority of the magistrate, and set at nought the humane and provident spirit of the law.

The Marquis of Sligo, in the exercise of his generous compassion for the state of these unhappy creatures, caused the introduction of the 8th clause of the Act in Aid, by which His Excellency hoped to secure medical attendance to the negroes during their apprenticeship; but his good intentions are frustrated by the masters putting their own unjust construction thereon, notwithstanding 2 *d.* per day is directed to be applied by the old law "for medical care and extraordinary nourishment" for any slave who may be sick and condemned to the workhouse. Beyond this there is no further enactment compelling the master to relieve the apprentices in any respect; indeed it may be fairly presumed that it could have been thought called for to lay down a regulation for proper medical care, seeing that in the event of its being necessary, as well as in the case where salt fish and salt were held to be so (the latter decidedly a medicine, having been granted to the slaves as part of their allowance,) the master only consulted his own true interest by affording it, as by preserving his slaves in health, his estates profited in proportion, by better cultivation. It is, however, my duty to bring forward the facts I have adduced. Too many of the apprentices do not receive the sort of medical aid that humanity should dictate, and which the law directs shall be afforded them, let the causes (which lie hidden in the breasts of their masters) be what they may.

Remedy proposed.

To meet these abuses, I suggest that the 16th clause should be thus modified: the words "surgeon or physician possessing a licence from any college of surgeons or physicians in Europe or America," should be substituted for those vague ones "medical attendants;" and at the end of the same clause the following words should be subjoined, "and all others as by custom they were usually supplied with by their owners during the period of their slavery."

Allowances have this effect also.

Clause 18. Great discontent has been produced by attempts to compel the parents to bind their children, until the age of 21, to those persons who are at present entitled to the services of the mothers, under the plea that the parents are incapable of providing an adequate maintenance for their children's support. I have frequently been applied to by masters to bind the children of the apprentices on their properties, alleging, as a pretence, that they received their support from the proprietor's land, without which support they could not be provided for by their parents. On investigating the cases, I have in general found that the children were fed on provisions grown in grounds of the apprentices which had been formerly allotted to them by their masters, and which the latter now wish to curtail, notwithstanding the apprentices' grounds are protected to them by clause 13, which is

this

No. 27.
Remarks on Jamaica Abolition Acts, by Captain Oldrey.

the quantum coveted is of no earthly use to themselves,) on purpose to constrain the apprentices, if possible, to bind their children to their estates, &c. But the apprentices are usually so cruelly treated by the managers, that they look upon the apprenticeship of their children until they may arrive at the age of 21, as delivering them up to absolute slavery, and the unhappy mothers shudder whenever the proposition is made to them, and press their children closely to their bosoms, with all the strength of maternal anxiety and fear.

In the event of any further attempt being made to coerce the apprentices to bind their children until the age of 21, to those whose tyranny they have so long groaned under, it would be decidedly resisted by the apprentices in every part of the island.

It is doubtless necessary to make a provision for orphans and other children belonging to parents helpless through indigence; sickness or infirmity should also be provided for. In such cases I consider the age of 19 for males, and 18 for females, to be a period sufficiently long for the object contemplated in this particular by the law.

Protection to a special magistrate ought to be granted.

Clause 19. It is absolutely necessary that a proviso should be made to this clause, to give adequate protection to the special magistrate in the execution of his office; not one clause is there to protect him from insult or opposition in his administration of the law.

Relative to imprisonment of apprentices on estates by overseers.

Clause 39. The first proviso gives to the manager a doubtful power of imprisonment over the apprentices, until the attendance of a special magistrate can be procured, who probably may be engaged in more important duties, and upwards of a week may elapse before he may possibly be able to give his attendance to investigate the alleged offence, which after all may prove but a minor case, in comparison. It is made a question whether during all such time the manager can detain an apprentice in confinement, inasmuch as the words, "it shall and may be lawful" for him to discharge the accused (the magistrate being absent) at the expiration of 24 hours, are not deemed obligatory upon the manager to release him, it not being expressly stated that under such circumstances he then shall be so discharged. To me the intention of the law appears perfectly clear, but the wording being obscure, advantage is taken of the latter to sanction a manifest perversion, and the apprentice is frequently held in confinement for many days. This proviso should be amended accordingly.

Frivolous complaints on the part of the overseers; how to be adjusted.

Clause 40. Common justice demands, that to this clause, which militates wholly against the apprentices, the following addition should be made: "That if any overseer or other person in the management of estates, plantations or pens, shall complain to a special magistrate against any of the apprentices under his or their direction, and that such complaint should be adjudged frivolous or groundless, it shall be lawful for such special justice to punish such complaining parties by adjudging him or them to repay the extent of the time so lost to the apprentice or apprentices, and to pay any sum, not exceeding 40 *s.*, for such offence.

Penalty.

Relative to the cultivation of the negro ground.

Clause 46. It would be advisable to secure the due and proper cultivation of the negro grounds, to prevent the ill effects arising from a failure of provisions; and for that purpose I suggest the following extension of the present clause:

"And that at least once in three months the proprietor or manager shall report in writing to the special magistrates of the district the actual state of the negro grounds, under the penalty, if the same be omitted, not exceeding 10*l.* for each offence."

Abuses by masters relative to the working of apprentices.

Clause 47. The unjust and forced interpretation of this clause by the managers has caused among the apprentices more discontent than any other. As it at present stands, the masters have the power to deprive the apprentices of every benefit intended by the British Act on their behalf: instead of allowing the apprentice his right of four hours and a half per week at one time, it is doled out to him through five successive days of labour in each week. This is in direct opposition to the spirit of the British Act, as the purpose for which the grant of four hours and a half is made is expressly stated. The negro grounds are often upwards of three, four, five, six and seven miles from the works, and without the volition of a bird the negro could not reach the grounds (much less cultivate them) and return, during the short hour to which, as if in mockery of his hard necessities, he is too frequently confined. What is worse still, this abstraction of the one hour from the nine hours per diem, allotted by law for the labour of the apprentice, is often so managed by the masters that his labour is, after all, found to be extended to nearly nine hours, instead of being confined to eight. Additional work is in this way constantly and illegally extorted from the apprentices, whose perfect ignorance of time, measured by time-keepers, renders the imposition quite easy, and this most oppressive abuse is therefore carried on to a great extent, with the utmost impunity.

The eight-hours' system was incidentally recommended to the master by the Governor, in his letter to the newly made apprentices; and it is not too much to say, that that letter at once blighted the hopes and confidence in the new law, as they had been previously given to understand, by a former letter of the Governor, that they were to work "only four days and a half in each week; the remaining day and a half to be their own time, and employed for their own benefit." It is true that, during crop, the master was legally entitled to work them their four hours and a half, yet it was expressly provided, under a penalty, that the time thus obtained from them should be repaid to the negro at such part of the season as might be deemed most fit by the possessor or manager of the property; *i. e.* when to do so would be the least detrimental and injurious to the culture of the plantation, the gathering in of the crops, and the manufacture of the produce thereof; the notification of which arrangement they most gratefully received.

The vexatious and nefarious provisions which, however, in despite of the best intentions, are constantly employed to turn the letter of the above regulations against the apprentices, may be said to give to the avaricious and dishonest possessor or manager about one-fifth of

No. 27. Remarks on Jamaica Abolition Acts, by Captain Oldrey.

labour per week more than by law he is entitled to receive; while, to do this is found not only to be of considerable value to the properties, but too congenial to that bad feeling towards the negroes, which aims to extort as much labour from them as possible. Mr. Wallace, of Biscany, and Mr. Mason, of Content Hall and Southampton Pen, in the parish of St. Elizabeth, in the presence of their apprentices, when the latter were appealing to the law, to the Governor's first letter, and to myself as a special magistrate, to do them justice and to see them righted, refused to obey the order of the court, and set my authority at defiance. The advantage must be considerable that can induce men thus to act, regardless of the danger which should offer itself to thinking minds; as the effect of such lawless examples on the perceptions of half-enlightened negroes might produce a spirit of insubordination that could not fail to work incalculable evil to the colony. I found it necessary to complain to the Governor; but I have not yet obtained any satisfaction, as his Excellency has been surrounded with difficulties.

In the 10th clause of the Act in Aid, it does appear that the intention of the Legislature was to put forward a corrective remedy. The words are as follow: "Any person who shall otherwise compel any prædial apprenticed labourer to work beyond the legal number of hours, save and except in conformity with the 47th, 50th and 51st clauses of the last-mentioned Act, shall be deemed and taken to have committed an offence against the said Act."

Now, the construction given by the Jamaica bar to this 47th clause I have already pointed out, consequently no redress under its present operation can be obtained.

The following trifling alteration in the wording of part of the clause would remedy the evil:

Instead of the words (from clause 47) "Be it enacted," to "the manufacture of the produce thereof," let these be inserted: "Be it enacted, that from and after every prædial apprenticed labourer shall be entitled to one-half of a day, equal to four hours and a half, out of the 45 hours, or the five working days of nine hours each; which half day shall be allowed at any such one time, in any week during the year, as may be deemed by the possessor or managers of such property the least detrimental and injurious to the culture of the crop, and the manufacture of the produce thereof, under a penalty of 40*s.* for each offence," &c.

Clause 63 enacts, that the apprentice shall be amenable, under the Abolition Act, for any offence committed as a slave, under the slave law, but the master is not; and this is not justice.

The law should in this material respect be equalized, and the master, as well as the servant, made responsible for his illegal acts. Instances of the ill effects arising from this palpable omission of the law have been repeatedly offered to my notice, and, up to the hour of my leaving Jamaica, the offending masters have never been visited by any punishment whatever.

Note.—The proviso and alterations herein suggested have been hastily penned, it will therefore be requisite that they should be drawn up with all due legal care.

ANALYSIS OF INDEX.

LIST of PRINCIPAL HEADINGS referred to in the following INDEX, with the Page of the Index at which they will be respectively found.

ABERDEEN, Lord - - - - - - - - - - - - page 1
Abolition Act - - - - - - - - - - - - - - 1
Absence from Labour - - - - - - - - - - - - - 1
Act in Aid - - - - - - - - - - - - - - 1
Agents - - - - - - - - - - - - - - 1

ALLOWANCES:

1. *Extent of those granted by Law to Apprentices* - - - - 2
2. *Nature of those granted to Apprentices during Slavery* - - - - 2
3. *Suspension of them on some Estates since the passing the Emancipation Act, and regranting thereof* - - - - - - - 2
4. *Distinction between Legal and Extra Allowances* - - - - - 2
5. *Opinions as to those to be granted to Apprentices* - - - - - 3

Andrew's, St., Parish - - - - - - - - - - - - - 3
Ann, St., Parish - - - - - - - - - - - - - 3

APPRAISEMENT OF NEGROES:

1. *By whom Appraisements are to be made* - - - - - - 4
2. *Defective Nature of the Tribunal* - - - - - - - 4
3. *Papers laid before the Committee* - - - - - - - 4

APPRENTICES:

1. *Generally* - - - - - - - - - - - - - 5
2. *Condition of Apprentices previous to and since the passing the Emancipation Act* - - - - - - - - - - - - 5
3. *Conduct of Apprentices* - - - - - - - - - - 5
4. *Want of Protection to, and Suggestions for affording them Protection* - 5
5. *Number of Apprentices on different Estates in Jamaica* - - - 5
6. *Classification of Apprentices* - - - - - - - - - 6
7. *Registration of Apprentices* - - - - - - - - - 6
8. *Their Discharge from Apprenticeship by Purchase or otherwise* - - 6
9. *Papers laid before the Committee* - - - - - - - - 6

APPRENTICESHIP SYSTEM:

I. *Generally* - - - - - - - - - - - - - 7
II. *Opinions as to the present working thereof:*
1. Opinions in favour - - - - - - - - - - 7
2. Opinions against it - - - - - - - - - - 7
III. *Opinions of Apprentices on the System* - - - - - - 7
IV. *Opposition to the System, and by whom made* - - - - - 7
V. *Evils of the System* - - - - - - - - - - 8

Assaults - - - - - - - - - - - - - - 8
Assembly, House of - - - - - - - - - - - - - 8
Attornies - - - - - - - - - - - - - - 9

BARBADOES - - - - - - - - - - - - - - 9
Beldam & Matthews, Messrs. - - - - - - - - - - - 11

CANE-HOLE DIGGING - - - - - - - - - - - - 13

Catherine, St., Parish - - - - - - - - - - - - 13
Chains - - - - - - - - - - - - - - 14
Children - - - - - - - - - - - - - - 14
Clarendon, Parish of - - - - - - - - - - - - 14

Clothing:

1. *Generally* - page 14
2. *By whom it is to be provided, and Power of the Special Magistrates to enforce its Provision* - 15
3. *Complaints of the insufficiency thereof* - 15

Colonial Acts - 15
Complaints - 15, 16
Compulsory Manumission - 16
Contracts - 16
Correspondence - 16, 17
Crime - 17
Cultivation - 17
David, St., Parish - 17
Dorothy, St., Parish - 18

Eight-hour System:

1. *Extent of its Adoption in Jamaica* - 18
2. *Evils arising from its Adoption* - 18
3. *Opinions of Planters and Apprentices thereon* - 19

Elizabeth, St., Parish - 19
Europeans - 19

Females - 20
Field Labour - 20
Fire Arms - 20

Flogging:

I. *Generally* - 21
II. *Offences for which it can be inflicted, and by whom it must be ordered* - 21
III. *Opinion on the Practice of flogging Females:*
1. Whether the Practice was in existence previous to the Emancipation Act - 21
2. Legality or illegality thereof - 21
3. Measures taken to prevent its recurrence - 21
IV. *Whether the Lash is inflicted more or less since the passing of the Emancipation Act* - 22

Gaols - 22

George, St., Parish - 22
Glenelg, Lord - 23

Hanover, Parish of - 24
Hospitals - 25
Hothouses - 25

Hours of Labour:

1. *Generally* - 25
2. *Number of Hours of Labour required by Law of Apprentices* - 25, 26
3. *Arrangement made with Apprentices on certain Estates as to the Number of Hours they will work* - 26
4. *Number of Hours Apprentices may be compelled to work continuously* - 26
5. *Apportionment of extra Hours by way of Punishment* - 26
6. *Frauds practised on Apprentices as respects their Hours of Labour* - 26
7. *Value of the extra Labour of Apprentices* - 26

Houses of Correction - 27

Imprisonment - 27
Indulgences - 27, 28

Jamaica - 28
Jamaica Acts - 28, 29
Jamaica, Governor of - 29
James, St., Parish - 29
Jobbing Gangs - 31, 32
John's, St., Parish - 32
Judges - 32
Justice, Administration of - 32, 33

Kingston Parish:

1. *Generally* - page 33
2. *Papers laid before the Committee* - 33

Labour - 33, 34

Land:

1. *Generally* - 34
2. *Increase or Decrease in the Value of Land in Jamaica* - 34

Legislative Interference - 34

Lyon, Mr. - 35

Machinery - 35

Magistrates:

I. *Local Magistrates:*

1. Class of Persons from whom they were originally selected - 37
2. Appointment of Special Magistrates to act as Local Magistrates - 37

II. *Special Magistrates:*

1. Generally; their Duties, Character and Conduct - 37, 38
2. Powers possessed by them, and Objections thereto - 38, 39
3. Powers with which they should be entrusted - 39
4. Want of Protection for, and Protection to be afforded them - 39
5. Character and Conduct of those sent from England - 39

III. *Stipendiary Magistrates* - 39

IV. *Papers laid before the Committee* - 40

Manchester, Parish of - 40
Manumission - 40
Markets - 40
Marriages - 41
Mary's, St., Parish - 41
Mason, Mr. - 41
Mason v. *Oldrey* - 41
Medical Attendance - 42
Medical Men - 42
Missionaries - 43
Montserrat - 43
Mortality - 43

Negro Education:

1. *Generally* - 44
2. *Papers laid before the Committee* - 44

Negroes - 44
Nine-Hour System - 45
Normal Schools - 45

Oaths - 45
Ordinances - 47
Overseers - 47

Penal Gangs - 47
Penalties - 48
Petty Sessions - 48
Penalties - 48
Plate, Pieces of - 48
Ploughs - 49

Police:

1. *Generally* - 49
2. *Police Acts, and Observations thereon* - 49

Portland, Parish - 49
Port Royal, Parish - 49
Proprietors of Estates - 50
Pro-Slavery Party - 50

Provision Grounds:

1. *Generally* - - - - - - - - - - - - page 50
2. *Extent of those allowed* - - - - - - - - - 50
3. *Distance of them from the Residence of Apprentices and Markets* - - 50
4. *Objections to the Clause in the Jamaica Act relative thereto* - - - 51
5. *Papers laid before the Committee* - - - - - - - - 51

Provisions - - - - - - - - - - - - - - - - 51

Punishments:

1. *By whom inflicted, and whether more or less frequent since than previous to the passing the Emancipation Act* - - - - - - - - 51
2. *Increase or Decrease in the Severity of those inflicted now and formerly* - 51
3. *Objections to the Jamaica Act awarding them* - - - - - - 52
4. *Returns of Punishments inflicted* - - - - - - - - - 52
5. *Papers laid before the Committee* - - - - - - - - - 52

Sabbath-Day - - - - - - - - - - - - - - 53
Salaries - - - - - - - - - - - - - - - 53
Salt Fish - - - - - - - - - - - - - - - 54
Schools and School Rooms - - - - - - - - - - - - 54
Silver Coins - - - - - - - - - - - - - - 55

Slavery, Abolition of:

1. *Generally* - - - - - - - - - - - - - - 55
2. *Papers laid before the Committee* - - - - - - - - - 55

Sligo, Lord - - - - - - - - - - - - - 55, 56
Spell - - - - - - - - - - - - - - - - 56
Stanley, Lord - - - - - - - - - - - - - - 56
Sugar - - - - - - - - - - - - - - - - 57
Sugar Crop - - - - - - - - - - - - - - - 57
Supreme Court - - - - - - - - - - - - - - 57
Surrey, County of - - - - - - - - - - - - - 57
Switching - - - - - - - - - - - - - - - 57

Thomas-in-the-East, St., Parish - - - - - - - - - - 58
Thomas-in-the-Vale, St., Parish - - - - - - - - - - 58
Tobago - - - - - - - - - - - - - - - - 58
Treadmills - - - - - - - - - - - - - - 58, 59
Trelawney Parish - - - - - - - - - - - - - 59
Trelawney House of Correction - - - - - - - - - - 59
Trespass - - - - - - - - - - - - - - - 59
Trew, Rev. Mr. - - - - - - - - - - - - - - 59

Vagrant Act and Vagrancy - - - - - - - - - - 60
Vere, Parish of - - - - - - - - - - - - - - 60
Vestries - - - - - - - - - - - - - - - 60
Vincent, Island of - - - - - - - - - - - - - 60

Wages:

I. *Generally* - - - - - - - - - - - 60, 61
II. *Unwillingness of Apprentices to work for Wages at the Commencement of the Apprenticeship System* - - - - - - - - - 61
III. *Willingness of Apprentices to work for Wages* - - - - - - 61
IV. *Amount of Wages paid on certain Estates* - - - - - - - 61
1. Generally - - - - - - - - - - - 61
2. For extra Labour - - - - - - - - - - 61
3. To Jobbing Gangs - - - - - - - - - - 61
4. Periods when paid - - - - - - - - - - 61
V. *Opinions on the Remedies of the Apprentices to recover Wages* - - 62
IV. *Papers laid before the Committee* - - - - - - - - 62

West India Colonies - - - - - - - - - - - - - 62
Westmoreland Parish - - - - - - - - - - - - - 62
Workhouses - - - - - - - - - - - - - - - 63

INDEX.

N. B.—In the following Index, *Rep. p.* refers to the page of the Report; the *Figures* following the Witnesses' Names to the Questions of the Evidence, and *App. p.* to the page of the Appendix.

A.

ABERDEEN, Lord. It was entirely owing to his exertion that, within 12 months after the passing the Emancipation Bill, something very like slavery was not re-established in Antigua, *Jeremie* 2665——Extract of his despatch, stating the grounds of objection to paying the compensation money till the legislature of Jamaica had complied with the terms on which it was to be granted, *Jeremie* 2667——Recommendation by him that special magistrates in Jamaica should also be qualified to act as local magistrates, *Grey* 5525——Suggestion by him, that in cases of excessive valuation of an apprentice by magistrates they should be dismissed from the magistracy, or in certain cases prosecuted for a misdemeanor, *Grey* 5569.

Abolition Act. Valuation of slaves made previous to its coming into operation, should be applied to all purposes subsequent to its coming into operation, *Jeremie & Beldam*, 25——No adequate provision or preparation was made for the emancipation of the negroes, *Madden* 1022——Planters consider themselves robbed by the operations of this Act, *Oldrey* 2991——Passed by the House of Assembly in Jamaica, adopting the British statute, was enacted by a portion of the house only, *Beaumont* 3991——Very much of the objection urged against the Jamaica Abolition Act, originates in an unjust and unfounded distrust of the manner in which the law of Jamaica is administered, *Burge* 3406–3418. *See* also *Agents.*

Absconding. See *Penalties.*

Absence from Labour. Apprentices are required to make good double or treble the time they are absent, *Jeremie* 88——Apprentice should never have been required to do more than indemnify the proprietor for the loss incurred by his absence, *Jeremie* 89, 90——There are cases in which granting exactly the same period to the master which has been lost by the apprentice would not be a sufficient indemnification, *Jeremie* 93——Special magistrates ought not to have been entrusted with the discretion of adapting the time to be required from the apprentice to make good the loss inflicted on the owner, *Jeremie* 93–98.——*See* also *Apprenticeship System*, I.

Absentee Proprietors. See *Agents. Apprentices*, 4. *Attornies.*

Act in Aid. This Act expired in 1835, but has subsequently been re-enacted for a period co-extensive with the apprenticeship, *Rep. p.* v——Protection afforded to special magistrates by this Act, *Rep. p.* v——Its expiration took away the only protection that special magistrates had, *Oldrey* 2977——It sanctions indirectly female flogging, thereby striking at the very spirit of the Imperial Act, and evidence thereon, *Jeremie* 343–359——Enables special justices to commit apprentices offending against the discipline of estates to the common gaol or house of correction, *Jeremie* 1054, 1055——It contained improvements on the previous Jamaica Acts, *Jeremie* 2656——Whether the passing the Act in Aid was made the condition of the colony entitling itself to receive its share of compensation, *Jeremie* 2658——Analysis of the Act in Aid of the Abolition Act, passed 20 December 1834, *App. p.* 33.——*See* also *Assembly*, House of.

Actions against Magistrates. See *Bourne*, Mr. *Oldrey*, Captain. *Planters.*

Administration of Justice. See *Justice*, Administration of. *Virgin Islands.*

Admiralty, Court of. Has held that any mistake in the description of a negro is fatal, and the negro becomes forfeited, *Burge* 5169.

Agents. The negro would be the only person having the right to complain of the non-appointment of an agent to estates, *Jeremie & Beldam* 66. 69——In the West Indies, where there is no agent, the negro is bound to give notice of his intention to a certain public officer, who will represent the absentee, *Jeremie & Beldam* 70——Those appointed subsequently to the Abolition Act would have no authority to act in an emergency created by that Act, *Jeremie & Beldam* 71–75——Those employed merely to manage a property have no right without special authority to part with it, *Jeremie & Beldam* 73——Policy of the English law to limit the power of agents generally, for the benefit of the proprietor, *Beldam* 1123——Where there are representatives or agents in the colony, the ninth clause of the Act is quite sufficient, *Beldam* 1123——No relief to the apprentice from

Agents—continued.

from the fact of a proprietor leaving his property without an agent, *Beldam* 1123–1126——No provision made by the Jamaica Acts for cases where agents are not accredited, *Beldam* 1142–1152——Advantages if those entrusted with the charge of property would reside upon it, *Burge* 3326.

See also *Non-resident Proprietors. Powers of Attorney.*

Aglae. Statement respecting the facts connected with this case of flogging in Kingston house of correction, *Ev. p.* 524.

Agreements. In many instances the bargains made between the negroes and the planters are fraudulent, *Beaumont* 4368——Apprentices refused in many cases to enter into agreements at the commencement of the apprenticeship system, *Miller* 3598–3604.

Aitchison, Mr. Statement made by Mr. Hyslop, regarding the proceedings taken against him, *Ev. p.* 524, 525.

Albion Estate. Will realize the expected increase of 30 hhds. of sugar, and a further increase expected next year, *App. p.* 159.

Alley, Capt. *W. H.* Extract of a letter from him to Lord Sligo, dated 1 March 1836, on the state of the district under his charge, *App. p.* 209, 210——Also a letter from him to Lord Sligo, dated 9 March 1836, on the same subject, *App. p.* 209.

ALLOWANCES:

1. *Extent of those granted by Law to Apprentices.*
2. *Nature of those granted Apprentices during Slavery.*
3. *Suspension of them on some Estates since the passing the Emancipation Act, and re-granting thereof.*
4. *Distinction between Legal and Extra Allowances.*
5. *Opinions as to those to be granted to Apprentices.*

1. *Extent of those granted by Law to Apprentices:*

Nature of the legal allowances to be found by owners of negroes, *Madden* 885–889——Nature of those compellable to be found apprentices, *Miller* 3648, 3649——Nature of those to which apprentices are entitled, *Beaumont* 4388——Extent of those granted by law to apprentices, *Oldham* 4656——The legal allowances are fixed by the vestry of each parish every year, *Shirley* 5038–5039.

2. *Nature of those granted to Apprentices during Slavery:*

Extent of allowances made to negroes during their slavery, *Jeremie* 228*–234, *Madden* 890–894——Extent of those granted to negroes in 1832, *Burge* 2775–2784——Extracts from the evidence given by Messrs. Baillie & Shand in 1832 respecting the allowances made to negroes, and examination thereon, *Burge* 2775–2804——Opinion that those allowed previous to the passing the Abolition Act were more than amply sufficient, *Burge* 2800——Great portion of those allowed during slavery did not exist under any law, *Beaumont* 4384.

3. *Suspension of them on some Estates since the passing the Emancipation Act, and re-granting thereof:*

Owners of negroes have no power to discontinue legal allowances, *Madden* 885——Extent of allowances made to negroes which have been discontinued since the Emancipation Act came into operation, *Jeremie* 228*–234, *Madden* 453, *p.* 51; *Ev.* 890–894——Very few instances in which they have been withdrawn, *Burge* 2730. 2740, 2741——Some of the most opulent planters have continued the allowances given under the old slave law, *Oldrey* 3119——Witness has made no alteration in the allowance granted to apprentices on the estates managed by him since the passing the Emancipation Act, *Miller* 3706–3717——Apprentices under witness's management have received their allowances the same since as before the Abolition Act came into operation, *Oldham* 4653, 4654——Those furnished under the slave law have never been withheld on witness's property, *Jones* 5352——Have not in many instances been granted, from the inability on the part of the owner to provide them, *Burge* 2732——Those given under the old slave law have been generally withheld, and supposed reasons therefor, *Oldrey* 3117–3122——Are generally withheld on estates where thefts have taken place till they have discovered the thief, *Beaumont* 4390——In some instances the allowances which had been withheld have been regranted, *Madden* 461–463——Allowances have been granted to apprentices in some cases for the purpose of obtaining additional labour, *Madden* 475–480. 890–894.

4. *Distinction between legal and extra Allowances:*

All extra allowances were stopped in the Hyde Hall and Etingdon estates, *Miller* 3529–3534——Nature of those included under the term extra allowances, *Shirley* 3534–3536——Distinction between legal and extra allowances, *Shirley* 5038, 5039.

5. *Opinions*

Allowances —continued.

5. *Opinions as to those to be granted:*

Opinion that the apprentice has, by the operation of the 11th clause of the Imperial Act, been deprived of certain advantages which he had a right to by the 16th section of the Jamaica Act while a slave, *Jeremie* 228*——The clause in the Jamaica Act relating to allowances to be granted to negroes does not meet the intentions of the British legislature, as set forth in the Imperial Act, *Jeremie* 235–249——No doubt it was the intention of the legislature to secure to the negro everything he possessed by immemorial usage, *Jeremie* 243——Very great question, whether under the 11th clause of the Imperial Act, the whole of the allowances are not now due, *Jeremie* 273–280——The imperial legislature has done all they possibly could to regulate the question of allowances, *Jeremie* 282. 308——It is admitted by the planters themselves that there are allowances not comprised within the Jamaica Act which the negroes enjoyed anteriorly to the passing of it, *Jeremie* 298——Opinion of the attorney-general of Jamaica as to the negroes being entitled by law to the customary allowances, *Madden* 464–466——Opinion of Mr. Batty on the subject of allowances being granted to apprentices is at variance with that given by the Attorney-general, *Madden* 468–470——Opinion that all allowances which have been by long and immemorial usage are to be continued to slaves by the Imperial Act, *Beldam* 1174——Have not been uniformly given by planters in Jamaica, and therefore the negro is not entitled to them from a supposed custom, *Burge* 2729, 2730——Opinion of certain lawyers that the apprentices were entitled to every allowance they received during slavery, *Beaumont* 4380–4392——Opinion of Mr. Watkis that the apprentices were entitled to all the allowances which they had received as slaves, *Beaumont* 4381–4386——Opinion that apprentices were entitled to their usual allowances even under the Emancipation Act, *Brown* 5694–5697——Evidence respecting the letter written by witness to overseers of estates on the subject of allowances, &c. to apprentices, *Miller* 3898–3905.

See also *Apprentices. Assembly*, House of. *Battye*, Mr. *Berlin Decree. Children. Clothing. Corn. Fish. Hours of Labour*, 7. *Medical Attendance. Milan Decree. Nurses. Watkis*, Mr.

Allwood, Mr. See *Mason* v. *Oldrey*.

American Fish. Preference given by the negro population to Amer ic sh over that sent from England, *Oldham* 4688.

Anderson, David & William. Were unable to pay the exorbitant price demanded for the unexpired term of their apprenticeship, *App. p.* 249.

Andrew's, St., Parish. Distance of provision grounds from estates in this parish, *Madden* 553——Opinion of the magistrate of this parish that the slaves were a great deal better off than they ought to be, *Beaumont* 4067–4069——Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Rules and regulations for the house of correction in this parish, *App. p.* 127, 128——Summary of letters addressed to Lord Sligo by the magistrates of this parish, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and expected crop, *App. p.* 145——Report from special magistrates of this parish relating to the conduct and industry of the apprentices, the state of cultivation, the prospect of the crop, and the conduct of the masters in their respective districts for the quarter ending in March 1836, *App. p.* 156——Letter from Mr. Lloyd to the Marquis of Sligo, dated 8th March 1836, on the state of the provision grounds belonging to apprentices on the several properties within his district, *App. p.* 206——Letter from Mr. Bourne on the same subject, dated 9th March 1836, *App. p* 206.

See also *Provision Grounds.*

Animal Food. Very necessary that the negroes should have an allowance of animal food secured to them by law, *Jeremie* 250–253. 267, 268——Is very necessary for the support of the labouring population in every country, *Jeremie* 254, 255.

Ann, St., Parish. Number of gaols or houses of correction; number of persons they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Regulations for the government of the gaol and house of correction of this parish, *App. p.* 133, 134——Summary of letters addressed to Lord Sligo by the magistrates of this parish, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospect of the ensuing crop, *App. p.* 143, 144——Report from special magistrates of this parish relating to the conduct and industry of the apprentices, the state of cultivation, the prospects of the crop, and the conduct of the masters in their respective districts for the quarter ending in March 1836, *App. p.* 154, 155——Reports from special magistrates of this parish on the state of the negro grounds in their respective districts, *App. p.* 202–204.

Antigua. Analysis of certain acts of this colony general in their title, but in practice more particularly affecting the emancipated negroes, presented by Messrs. Beldam and Mathews as part of their evidence, *App. p.* 78, 79.

See also *Beldam and Matthews*, Messrs.

Antonio, St., Ship. Particulars respecting the seizure of this vessel by a South American privateer, *Burge* 5169.

Appeals. Power of appeal to the governor in nine cases out of ten with respect to points of domestic and internal regulation, is rendered nugatory, *Jeremie* 101.

Application of Penalties. See *Penalties.*

Appraisers. Their being taken from the free class there, is always a tendency rather to enhance than diminish the price of negroes, *Jeremie & Beldam* 39–42, *Grey* 5563——There would be no objection on the part of government to sanction any law passed by the legislature of Jamaica, constituting the special justices the sole appraisers, *Grey* 5576

APPRAISEMENT OF NEGROES:

1. *By whom Appraisements are to be made.*
2. *Defective nature of the Tribunal.*
3. *Papers laid before the Committee.*

1. *By whom Appraisements are to be made:*

No valuation can take effect in which the special magistrates does not concur, *Rep. p.* iv.——Manner in which it is to be made, and whether by a majority, or the whole three magistrates, *Jeremie & Beldam* 77–80——Necessity for joining a local with the special magistrates in fixing valuation of negroes, *Burge* 2671, *Grey* 5565, 5567——The apprentice's interest is protected from the appointment of the special magistrate in cases of valuation, *Burge* 2687–2691——By the Jamaica Act is placed in the hands of one special and two ordinary magistrates, *Jeremie & Beldam* 25, *Grey* 5565, 5567——System of appraisement in Jamaica is not worse than before, but worse than what it was intended to be rendered at the time the Imperial Act was framed, *Jeremie & Beldam* 51–54.

Excessive valuation not to be attributed in the generality of cases to the misconduct of the local magistrates, but to the evidence of the overseers and book keepers, *Grey* 5573, 5574——Evidence respecting the manner in which they are made, *Beaumont* 4318–4341——No doubt that in many cases a value has been set upon the service of the apprentice by a compromise between the respective magistrates, *Rep. p.* iv.——The governor of Jamaica has been instructed to propose to the house of assembly that all future valuations should be placed on the same footing as those in the Crown colonies, *Grey* 5569. 5573-5575——A knowledge among magistrates that the governor had the power to remove them in cases of excessive valuations, &c., would check a disposition to make extravagant valuations if such disposition existed, *Burge* 2704——Difference between witness's valuation and that of the local magistrates, *Madden* 729–741——Average valuation of a field negro, *Oldham* 4984.

2. *Defective nature of the Tribunal:*

Defective construction of the tribunal for the valuation of apprentices applying to purchase their freedom, *Rep. p.* iv., *Grey* 5567–5569——The present mode of appraisement is worse than that provided for by the Jamaica Act, *Jeremie & Beldam* 43–47——The unjust mode of appraisement adopted by the Jamaica Act renders the compulsory manumission clause of the Imperial Act in a very great degree nugatory, *Matthews* 1177 Undue preponderance given to colonial magistrates in the tribunal for the appraisement of apprentices, *Rep. p.* iv., *Grey* 5568——Unfair manner in which apprentices are appraised, *Beaumont* 4318, 4319. 4332–4335——Many instances have occurred of undue and excessive valuations of apprentices, *Rep. p.* iv., *Grey* 5561–5564. 5569——Instances of apprentices having been sold for double the sum they would have fetched between party and party previous to the Emancipation Act from the system of appraisement pursued, *Beaumont* 4559, 4560——Average value in sterling money of slaves in different colonies from 1822 to 1830, as compared with the value set upon the residue of the apprenticeship term since the 1st August 1834. *Matthews* 1177.

3. *Papers laid before the Committee:*

Abstract of the returns of the valuations, &c. of apprentices in the island of Jamaica, from 1st August 1834 to 31st March 1836, *App. p.* 166——Abstract of valuations of apprenticeships in Jamaica, from 1st August 1834 to 1st June 1835, *App. p.* 166——Return of valuation of apprenticeship made by the special magistrates from 1st August 1834 to 1st June 1835, *App. p.* 166–175——Abstract of valuations of apprentices in Jamaica from 1st June to 31st August 1835, *App. p.* 175——Return of valuation of apprenticeships made by the special magistrates from 1st June to 31st August 1835, *App. p.* 176–179——Abstract of valuations of apprentices in Jamaica from 1st September to 31st December 1835, *App. p.* 179——Return of valuations of apprentices made by special magistrates, from 1st September to 31st December 1835, *App. p.* 179–185——Abstract of valuations of apprenticed labourers, 1st January to 31st March 1836, *App. p.* 185——Returns of valuations of apprenticeships made by the special magistrates from 1st January to 31st March 1836, *App. p.* 186–192.

See also Abolition Act. Anderson, D. & W. Apprentices, 8. *Chamberlain,* Dr *Compulsory Manumission. Connor,* Capt. *Magistrates,* IV. *Munro, Pamela. Oaths. Sligo,* Lord.

Apprenticed Labour. See *Chamberlain,* Mr. *Cocking,* Mr. *Cooper,* Mr. *Magistrates,* III.

APPRENTICES:

APPRENTICES:

1. *Generally.*
2. *Condition of Apprentices previous to and since the passing the Emancipation Act.*
3. *Conduct of Apprentices.*
4. *Want of Protection to, and Suggestions for affording them Protection.*
5. *Number of Apprentices on different Estates in Jamaica.*
6. *Classification of Apprentices.*
7. *Registration of Apprentices.*
8. *Their Discharge from Apprenticeship by Purchase or otherwise.*
9. *Papers laid before the Committee.*

1. *Generally:*

Services of apprentices transferred by sale previous to August, at merely the expected amount of the compensation, *Madden* 722–728, *Beaumont* 4561——Cannot be removed from one property to another without the consent of two special justices, *Madden* 847–854——Any restriction being placed on the will of the apprentice, unless on complaint of the manager, is very objectionable, *Jeremie* 361–368——Are not deterred by apprehensions of resentment from applying for redress where they consider themselves injured by their masters, *Miller* 3552——Have very little confidence in the managers or proprietors of estates, *Beaumont* 4060——Have very little confidence in the special magistrate, *Beaumont* 4459, 4460——They would in case of absolute freedom be able to form contracts favourable to themselves, *Beaumont* 4403–4405——Extracts from various letters on the treatment of apprentices, *Beaumont* 4576, *p.* 406, 407——Repeated instances of their being employed by other proprietors than their own; there is no objection to it, *Oldham* 4945–4947.

2. *Condition of Apprentices previous to and since the passing the Emancipation Act:*

Negroes are in a worse condition since the passing the Imperial Act than previously, *Jeremie* 228*——The condition of apprentices in the vicinity of large towns and more immediately under the control of government is considerably meliorated, *Beaumont* 3994—— State of negroes far superior to what it was during slavery, *Shirley* 5157, 5158 ——Practical condition of the negro depends in a great measure on his legal condition, *Jeremie* 441——Instances of their purchasing things that were formerly given them as allowances, *Oldrey* 3121.

3. *Conduct of Apprentices:*

General good conduct of apprentices, *Rep. p.* viii——Are very willing in most cases to work for the proprietors for their original allowances and grounds, if they will grant them the extra day, *Beaumont* 4265–4268——Frequently make great sacrifices, in order that the crop may be taken off before the rainy season commences, *Beaumont* 4367—— Very few complaints made by witness of the conduct of those on his estates, *Jones* 5344–5346——Negroes would have been dissatisfied if witness had stopped the extra allowances and not given them higher wages, *Shirley* 5094, 5095——Very few complaints made by them against their employers, *Grey* 5522, *p.* 460.

4. *Want of Protection to, and Suggestions for affording them Protection:*

The full protection of the rights of apprentices depends more on the administration of the law, than on the provision of the law itself, *Rep. p.* v——Adequate provision for the protection of apprentices has not been made by the 16th clause of the Imperial Act, *Jeremie & Beldam* 24——Sufficient provision is not made for providing them with food, clothing, lodging, &c. by the clause in the Imperial Act, *Jeremie* 390–394——Protection afforded them under the Jamaica Acts is entirely insufficient, *Jeremie* 1088—— Magistrates have no adequate authority to render the negro state superior to that which existed whilst he was in slavery, *Jeremie* 442–445——Suggestions for affording a sufficient remedy for the apprentices as regards the trial of intermediate offences without going to a jury, *Jeremie* 199–202——The same protection should be afforded them in the house of correction as is given them upon the estate, *Jeremie* 1085–1088——They should be placed on an equal footing with other parties, in all cases not immediately affecting their situations as apprentices, *Jeremie* 1166–1172——Objection that in cases of absentees having small properties in the colony and leaving no agent, the apprentice has not the power to claim a compulsory manumission in the manner intended by the Imperial Act, and evidence thereon, *Beldam* 1123–1141.

5. *Number of Apprentices on different Estates in Jamaica:*

Number of apprentices in the Lower Clarendon district, *Brown* 5684——Number of, in the parish of St. Elizabeth, *Oldrey* 2865—On the Esher estate, *Oldham* 4803—On the Etingdon estate, *Miller* 3494—On Fort Stewart estate, *Oldham* 4919—On the Hyde Hall estate, *Miller* 3494—On the Orange Hill estate, *Oldham* 4807—On Retirement estate, *Shirley* 5057—In the parish of Trelawney, *Miller* 3967——Number of those under witness's superintendence, *Miller* 3447.

Apprentices—continued.

6. *Classification of Apprentices:*

No specific classification of apprentices in pursuance of the fourth section of the Imperial Abolition Act, appears to have been made in Jamaica, *Matthews* 1177——Are to be divided into classes, *App. p.* 38——Act passed by the legislative council of Montserrat for the classification of apprentices, *App. p.* 54——Copies of the Marquis of Sligo's circulars, 12th May 1836, to the special magistrates and the custodes of the island of Jamaica, relative to the classification of apprentices, *App. p.* 225–227.

7. *Registration of Apprentices:*

Vast number of apprentices in Kingston that are not duly registered, *Madden* 671–691——There are a great many negro apprentices in Jamaica unregistered, or otherwise illegally registered, *Beaumont* 4501–4533——There is no public officer to watch the registry, and compare it with the returns of slaves, *Beaumont* 4540–4550. 4555——The appointment of a public officer to check the registry by the actual number of apprentices working throughout the island, would be the means of emancipating a considerable number of persons, *Beaumont* 4556–4558——Act for the registration of apprentices was passed in 1816; particulars of the return required to be made by it, *Burge* 5169——To whom the return is to be made, *Burge* 5169——Registrar of slaves to deliver to employers of apprenticed labourers their original returns, who are to distinguish the classes, and return such lists back to the registrar within three months, *App. p.* 38.

8. *Their Discharge from Apprenticeship by Purchase or otherwise:*

Under none of the recording Acts of the island of Jamaica could copies of a discharge from apprenticeship be received in evidence, *Burge* 2671——Discharges may be registered in the secretary's office, and copies given in evidence, *Burge* 2671——Evidence respecting the person on whom apprentices are to serve notices of application for their discharge, *Burge* 2719–2728——Opinion among the lawyers of Jamaica that a magistrate had no right to establish the claim of an apprentice to his discharge by any defect in the title of his master, *Madden* 651–658. 665–670——A magistrate refusing to sign the certificate, the Supreme Court would compel him by a mandamus to sign it, *Burge* 2681——An apprentice whilst prosecuting his remedy for the purpose of having his certificate granted to him, would not be treated as an apprentice, *Burge* 2708, 2709.

Have only a right to apply to a magistrate in cases of refusal or unwillingness of masters to give discharges, *Madden* 642. 647——Great number of cases of apprentices who have applied for their discharge being illegally detained in slavery, *Madden* 648–652——Considerable difficulties in the way of the negro establishing his right of freedom, *Madden* 692, 693——Proportion of those who failed in obtaining their discharge much greater than those who obtained it, and causes to which attributable, *Madden* 701–705——Great many more negroes would have been manumitted if witness had acted alone in the appraisement of them, *Madden* 729–741.

9. *Papers laid before the Committee:*

An Act to repeal certain clauses of an Act, intituled, "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the Reciprocal Duties between them and their Employers, and to substitute other clauses in the place of certain of such repealed clauses," *App. p.* 38–41——Are not to be confined by special constables, except for such offences as an ordinary constable would confine any other person, *App. p.* 39——Are not to be removed from the island, nor to be transferred from one estate to another, without the written consent of two or more special justices, *App. p.* 39–42. 46——They are not to be arrested for debt, *App. p.* 40.

May be compelled in time of necessity to give their services, and penalty for refusing to work, *App. p.* 40——Are liable to ejectment and imprisonment for unlawfully entering on lands belonging to other persons, *App. p.* 46——They are not liable to ejectment after having had possession for two years previous, *App. p.* 46——Number of estates where apprentices have refused to work for hire, *App. p.* 134–137——Abstract of returns of estates where apprentices work for hire, *App. p.* 134–137——Return of the number and nature of the punishments inflicted on the apprenticed labourers in the colony of Jamaica by the special or stipendiary magistrates, specifying the offences for which they were inflicted, separating males from females, between the 1st day of August 1834 and the 1st day of August 1835, *App. p.* 160–162.

See also *Absence from Labour. Agents. Agreements. Allowances. Apprenticeship System. Assembly*, House of. *Bagdale Estate. Cane-hole Digging. Children. Clothing*, 2. *Compensation Money. Conquered Colonies. Contracts. Corn. David, St.*, Parish. *Dillon*, Mr. *Eight-hour System*, 3. *Hard Labour. Herrings. Hours of Labour*, 1. 4. 6. *Indulgences. Justice*, Administration of. *Labour. Lost Time. Lyon*, Mr. *MacNeil*, Mr. *Malicious Trespass Act. Manslaughter. Manumission. Medical Attendance. Montserrat. Morality. Mortality. Murders. Nine-hour System. Offences. Overseers. Penal Gangs. Penalties. Petersfield Estate. Provision Grounds. Provisions. Pryce*, Mr. *Public Opinion. Public Worship. Rest. Retirement Estate. Runaway Apprentices. Salt Fish. Shads. Silver Coins. Supreme Court. Tuile*, Mr. *Transfer of Apprentices. Trespass. Vagrant Act. Wages*, II. IV, 2. *Water. Workhouses.*

APPRENTICESHIP SYSTEM:

I. *Generally.*
II. *Opinions as to the present working thereof.*
1. Opinions in favour.
2. Opinions against it.
III. *Opinions of Apprentices on the System.*
IV. *Opposition to the System, and by whom made.*
V. *Evils of the System.*

I. *Generally:*

As regards the negro, apprenticeship is not necessary; but as regards commerce and other political questions a gradual emancipation from slavery to a system of freedom is very useful, *Jeremie & Beldam* 5–18——Opinion that by the means of the principle of compulsory manumission slavery would gradually merge into a state of freedom, *Jeremie & Beldam* 25——On some estates preparations were made previous to the 1st August to prepare the way for the emancipation of the negroes, and beneficial results to those estates, *Madden* 1022–1025——Opinion that the whole of the laws relating to apprenticeship are, with certain exceptions, nothing more than slavery under another name, *Jeremie* 419–421——Reason why there is no essential difference between apprenticeship and slavery, *Madden* 471–474.

The alteration of the law from slavery into qualified freedom has very much altered the scale of punishment, *Madden* 875–884——Owners have the power of prolonging the apprenticeship beyond 1840 for very trifling offences, *Madden* 980–986. 988–991——Further evidence as regards witness's opinion of the working of the apprenticeship system, *Madden* 1015–1019——General instructions given to the special magistrates that they had the power of continuing the apprenticeship beyond 1840, in cases of absence, *Madden* 990.

II. *Opinion on the present working thereof:*

1. Opinions in favour:

Opinion that the system of apprenticeship in Jamaica is working in a manner not unfavourable to the momentous change from slavery to freedom, *Rep. p.* viii——Opinion as to the operation of the apprenticeship system, *Burge* 3319–3353——Reports from Jamaica received latterly are uniformly in favour of the working of the present system, *Grey* 5522——Would have worked well had it met with a fair trial, *Madden* 453, *p.* 50——The apprenticeship system would work very well in Jamaica, if the feelings of the proprietors at home were carried into effect, *Oldrey* 2995, *Shirley* 5032–5035——Would be productive of great good in Jamaica under proper laws, *Oldrey* 3127–3142——Letter from witness to R. W. Hay, esq., dated 14 March 1835, transmitting observations on the working of the Bill for the Abolition of Slavery in the West Indies, *Madden* 453, *p.* 49.

Considerable improvements have taken place comparing apprenticeship with the former state of slavery, but in carrying out the Act of the British Legislature adequate improvements have not been made, *Jeremie* 433–439——Disposition of the executive in Jamaica is to afford protection to the apprenticeship system, and to give the negro the benefit of it, *Oldrey* 3140——Opinion that the principle of apprenticeship afforded the best prospect of a favourable issue to the state of slavery, *Miller* 3460–3462——It is working much better now than formerly, *Miller* 3468–3481, *Jones* 5315——Is working remarkably well, *Oldham* 4584, *Shirley* 5032–5035——Opinion that both planters and negroes are benefited by the system, *Oldham* 4720–4723——Witness would anticipate unfavourable consequences from a premature dissolution of the system, *Oldham* 5018, 5019——Nothing so calculated to endanger the successful working of it as an interference of the British Parliament with a view of shortening its duration, *Grey* 5673——Advantages of the apprenticeship system over slavery, *Madden* 474.

2. Opinions against it:

No good results can accrue to the apprentice or proprietor during its continuance, *Beaumont* 3989–3996——Its adoption has not decreased the quantity of human suffering in Jamaica, *Beaumont* 3993——Has worked very badly, *Beaumont* 3993——Attachment of the managers and slaveholders throughout the colony to it has gone on increasing, from its similarity to slavery, *Beaumont* 4468–4475.

III. *Opinions of Apprentices on the System:*

Opinion among them that the apprenticeship system is far more favourable to them than the old system of slavery, *Miller* 3480, 3481——They prefer the apprenticeship system to slavery; they did not understand it at first, *Jones* 5413–5416——Fully appreciate the privileges they have derived under the apprenticeship system, *Miller* 3550, 3551——Generally can distinguish between the past state of slavery and the present system of apprenticeship, *Miller* 3546–3552——Apprentices would have given the preference to a system of free labour to a system of apprenticeship, *Miller* 3473–3479——There is a strong desire among apprentices for unqualified freedom, but they expect to serve out their time, *Oldham* 4712–4732.

IV. *Opposition to the System, and by whom made:*

Estates under the management of attornies are those upon which the most opposition will be given to the working of the new system, *Madden* 1027–1030——Majority of the

Apprenticeship System—IV. *Opposition to the System, and by whom made*—continued.

planters are opposed to the apprenticeship system, *Oldrey* 2989–2998——Every thing that could be done to injure the system was resorted to by the planters on its first introduction, *Oldrey* 3127——Planters consider themselves very much injured from their apprentices being emancipated, *Oldrey* 2991——No extensive complaint among planters of the bad effects of the apprenticeship system, *Burge* 3323.

V. *Evils of the Apprenticeship System:*

If an apprentice has been unjustly flogged by order of a special magistrate, his only remedy is going before another special magistrate and complaining, *Madden* 927–932——Can recover nothing from his employer by any available remedy, nor has any protection against complaints however frivolous, *Jeremie* 1121——May be mulcted to the full amount of his time for the benefit of his employer, though no prejudice may have been sustained by the latter, and flogged on making complaint, *Jeremie* 1121——They may be worked during the day in the field, and by night in the boiling-house, for forty-five hours in succession, *Jeremie* 1121——The permanent police, and every constable or other person, knowing an apprentice to be a runaway, has a right to arrest him, *Jeremie* 1154–1165.

Apprentices under the new system have a day to themselves, but may be imprisoned by an extra constable under the control of the manager, *Jeremie* 1121——Power of arrest given by the Act is liable to great abuse, *Jeremie* 1171, 1172——Are not permitted to enter any other estate without making themselves trespassers, *Matthews* 1177——Its introduction has diminished the value of property in Jamaica, *Jones* 5489–5502.

For other matters relating thereto, see *Agreements. Apprentices. Assembly*, House of. *Attornies. Barrett*, Mr. *Edwards*, Mr. *Europeans. Females. Houses of Correction. Jamaica. Labour. Long*, Mr. *Magistrates*, I. 1. II. 1. *Medical Men. Merchants. Montego Bay. Non-resident Proprietors. Orange Hall Estate. Planters. Police*, 2. *Pro Slavery Party. Public Press. Sligo*, Lord. *Spanish Town. Sugar. Task Work. Vagrant Act. Wages*, I.

Assaults. Summary jurisdiction should be given to magistrates in cases of assaults, *Jeremie* 1168——Europeans sentenced to imprisonment for an assault, if for a short time, would be sent to the workhouse, *Oldham* 4641–4643——Penalties to be inflicted on persons convicted of assaults in Tobago, *App. p.* 64——The Act for the summary punishments of common assaults in Montserrat is open to much abuse, *App. p.* 72——The Act for the summary punishment of common assaults corresponds with the Montserrat Act, and is consequently open to the same remarks in St. Kitt's, *App. p.* 72.——In the island of Nevis, *App. p.* 74.——*See* also *Britton, Anthony. Clarke, Eliza. Spencer, Job.*

Assembly, House of. Has directed its attention to the subject of corporal punishment of female apprentices, and declared its opinion of the illegality of that mode of punishment, *Rep. p.* vii. *Grey* 5550——Whether the opinions of the Members of the House of Assembly are in favour of inflicting corporal punishment on females, *Oldrey* 3170——Was dissolved previously to their having time to express their sentiments on the speech of the governor, relative to the flogging females in Jamaica, *Burge* 3251–3255——The Jamaica legislature did not adhere to the letter of the British statute, but have on the contrary narrowed it, *Jeremie* 296–298——The large landed proprietors of Jamaica generally speaking are not represented in the House of Assembly, *Madden* 453, *p.* 50——Constitution of the House of Assembly must be altered by an enlargement of the elective franchise, *Madden* 1026——The majority of the House of Assembly of Jamaica are opposed to the present system of apprenticeship, *Oldrey* 3156. 3160.

The majority of the members of the House of Assembly were decidedly in favour of complete emancipation in preference to apprenticeship, *Beaumont* 3991. 4263——Evidence respecting the proposition made in the House of Assembly to give immediate freedom to the slave, *Beaumont* 4475–4480——Very desirable that it should break up about the middle of December, *Burge* 3276——Its prorogation did not take place from any unwillingness on their part to renew the Act in Aid, but from a conviction of the necessity of maintaining their rights, which had been invaded by the governor, *Burge* 3308–3316——Imperative on the legislature of Jamaica to protect the apprentice as respects the allowances to be made him, *Jeremie* 245.

Objects they had in view in passing the Vagrant Act and Police Act, *Beaumont* 4278–4295——Great hostility among its members to the black population, *Beaumont* 4316——Opinion that the members of it never frame an Act with relation to the apprentice, in which they mean to act honestly, *Beaumont* 4302–4304——Memorial of the House of Assembly of Jamaica to the King, on the subject of the introduction of a Bill into the House of Commons to revive an Act of the Jamaica legislature which had expired, *Ev. p.* 519–522——Report of the committee of the House of Assembly, dated 14 June 1836, on the subject of female flogging, *Ev. p.* 522, 523——The measures proposed by the Jamaica House of Assembly in 1777 to put an end to the slave trade, were defeated by the resistance given by the mercantile interests in England, *Burge* 5187.

See also *Abolition Act. Apprentices. Apprenticeship System. Chapels. Females. Flogging*, III. 1 *Marriages. Mary's*, St. *Medical Attendance. Mortality. Negro Education. Police*, 2. *Saving's Banks. Silver Coins. Supplies. Union School. Vagrant Act. Witnesses.*

Assemblies. See *Unlawful Assemblies.*

Assizes. See *Prisoners.*

Asylums. Act for making further provisions for the building, repairing and regulating of asylums, &c., passed 4th July 1834, *App. p.* 32——Rules and regulations established by the Jamaica Act compared with those of the English statutes, *App. p.* 32, 33.

Attorney-general of Jamaica. It is his duty to file informations ex officio against persons who are omitted in the registry, *Burge* 5178, 5179. 5183–5185.
See also *Allowances*, 5.

Attornies. The separate interest of attornies who manage the estates of absentees from those of owners causes the apprenticeship system not to work well, *Madden* 453, *p.* 50——Are the principal persons in Jamaica who complain of the Abolition Act, *Oldrey* 2992——It is a rule among all planting attornies never to interfere with the details of an estate, *Beaumont* 4412——No class of persons know less of the feelings and opinions of the labouring population of Jamaica than the planting attornies, *Beaumont* 4406–4412.——*See* also *Apprenticeship System*, IV.

B.

Bagdale Estate. The exorbitant price demanded from some of the apprentices on this estate prevents their obtaining their freedom, *App. p.* 249.

Bahamas. Analysis of the Act passed to prevent the resort of rogues, vagabonds and other idle and disorderly persons to these islands, and for the punishment and correction of certain offences and other acts relating to the said islands, and observations thereon, *App. p.* 77, 78.

Baillie & Shand, Messrs. See *Allowances*, 2.

Baptists' Society. Supposed number of persons belonging to Baptist communions in Jamaica, *Shirley* 5127.

Barbadoes. Act for the repeal of certain clauses of an Act, intituled "An Act for the Abolition of Slavery, for the government of Apprenticed Labourers, and for ascertaining and enforcing the reciprocal Duties between them and their Employers, and to substitute other clauses in the places of such repealed clauses," *App. p.* 38–41—— An Act for continuing in force and amending an Act, intituled "An Act for the temporary establishment of a Rural Police for this Island," *App. p.* 41——Analysis of Acts respecting this island, and objections thereto, *App. p.* 66–68.——*See* also *Hours of Labour*, 2. *Police*, 1.

Barrett, Mr. Is one of the most indefatigable opponents of the new system, *Madden* 453, *p.* 51. ——*See* also *Mason* v. *Oldrey.*

Barrett, Mr. *Samuel.* Has placed two estates under the same arrangement as those of witness, *Shirley* 5090, 5091.

Basilletta Estate. Number of negroes belonging to this estate, *Hall* 5817.

Barwell, Robert. Letter from him to witness, dated 26th November 1835, on the subject of the treatment received by the negroes on Caywanna's estate from the Honourable Mr. Bernard, *Beaumont* 4576, *p.* 406, 407.

Battye, Mr. His opinion that by the Jamaica Act the allowances and indulgences of the apprentices were narrowed to those specified in the "Act for the Protection of Slaves," *Jeremie* 279——Attempts made by him and Mr. Barrett to defeat the abolition measure and unsettle the terms of the compensation, *Madden* 453, *p.* 51——Witness agrees in the opinion expressed by him that the negro has not, in point of law, any right to the allowances, *Burge* 2730.——*See* also *Allowances*, 5.

Baynes, Mr. Objection by him to the amercement of the time of the refractory apprentices, and remedy suggested, *Grey* 5865.

Baynes, Mr. *E. D.* State of the provision grounds in his district in the parish of St. John's, *App. p.* 210.

Beaumont, Augustus Hardin. (Analysis of his Evidence.)—Resident in Jamaica for thirty years, 3968-3987——Witness lost his seat in the House of Assembly in consequence of proposing the abolition of female flogging, 3980–3988——No good results can accrue to the apprentice or proprietor during the continuance of the apprenticeship system, 3989–3996——Very little reliance to be placed on returns made up in Jamaica, 4002–4005——Several instances of special magistrates having pieces of plate voted them, 4006–4027——Opinion that there is very little alteration, if any, of the quantity of punishment inflicted on negroes since the passing the Emancipation Act, 4028–4042——Evidence respecting the complaints made by negroes on the Hope estate, 4043–4056——Negroes were not during the early period of the apprenticeship system practically conversant with the rights which the law gave them, and examination thereon, 4060–4064.
Whether special magistrates lent themselves as parties to the various frauds practised on the negroes by the proprietors and managers of estates, 4064–4066——Special magistrates, as they become acquainted with the planters, increase their prejudices against the slaves, 4064–4077——Further evidence respecting the increase or decrease in the quantity of punishment inflicted previous to and since the passing the Emancipation Act, 4078–4098——Opinion that two-thirds of the administration of the law as to slaves went through the hands of special magistrates appointed by the governor, 4099–4106. 4111–4119——

Beaumont Augustus Hardin. (Analysis of his Evidence)—*continued.*

4119——Several of the stipendiary magistrates are interested in apprenticed labour, 4120–4221. 4228–4231——Pledge given by Mr. Stanley respecting the appointment of magistrates has not been verified, 4224–4227——Impossible to find sufficient persons in Jamaica to have undertaken the duties of special magistrates; better selections might have been, 4234–4239.

Class of persons sent as magistrates from this country are not competent to the duties, 4242 4243——Salary of magistrates not sufficient to induce persons of character und respectability to undertake the office, 4250–4255——Vacancies frequently occur among the stipendiary magistrates, 4256–4259——No doubt that persons sent from this country as expectant magistrates become previous to their appointment contaminated, 4260–4263——Negroes very willing in most cases to work for the proprietors for their original allowances and grounds if they will grant them the extra day, 4265–4268——Their willingness to work for wages will be less at the expiration of the apprenticeship than now, and reason, 4269, 4270——Whether the proprietors and managers of estates have any interest that at the expiration of the apprenticeship the negro population should work for wages, 4273–4278—— Objects the House of Assembly had in view in passing the Vagrant Act and Police Act of Jamaica, 4278–4295——Whether justice will be satisfactorily administered by the local magistrate after the termination of the apprenticeship, 4298–4300.

Opinion that the Legislative Assembly never frame an Act with relation to the apprentice in which they mean to act honestly, 4302–4304——Opinion among planters that the functions of the legislature of the colony should be suspended during the operation of the apprenticeship, 4305–4312——Witness became very unpopular from the circumstance of proposing the compulsory manumission bill and the abolition of female flogging, 4313–4315——Great hostility among the members of the House of Assembly to the black population, 4316——Evidence respecting the manner in which appraisements are made, 4318–4341.

[Second Examination.]—Customary to make presents of plate and give votes of thanks to all special magistrates who please the planters, 4341–2–4348——Pro-slavery papers complain very much of the conduct of the stipendiary magistrates, 4349——Statement to show that in many cases continuous labour for 36 to 38 hours is required in the manufacture of sugar in Jamaica plantations. This statement is calculated with reference to an estate with 500 negroes, making from 400 to 500 hogsheads of sugar, and from 200 to 300 puncheons of rum, and examination thereon, 4350, 4351, *p.* 380, 381, *ques.* 4352–4367. 4395–4399——Apprentices give their time for inadequate wages, and reason thereof 4368–4375——Many of them have assigned their extra time in consideration of having, the usual allowances, 4379–4381, 4393.

Opinion of certain lawyers that the apprentices were entitled to every allowance they received during slavery, 4380–4392——In case of absolute freedom, the apprentice would be able to form contracts favourable to himself, 4403–4405——No class of persons know less of the feelings and opinions of the labouring population of Jamaica than the planting attornies, 4406–4412——Further evidence relative to the frauds practised on apprentices as regards their extra hours of labour, 4412–4425——Opinion that managers committing acts contrary to law, without any temptation, will not, where the temptation to extract the greatest quantity of labour is so very great, pay much attention to the law, 4426–4459——Some few of the special magistrates manifested a desire to administer the law impartially 4464–4467——Attachment of the managers and slaveholders throughout the colony to the apprenticeship system has gone on increasing as it continues, 4468–4475.

Further evidence respecting the proposition made in the House of Assembly to give immediate freedom to the slave, 4475–4480——Opinion expressed by Lord Mulgrave on the subject decidedly incorrect, 4480–4482——All persons sent to workhouses are worked in chains, 4484–4490——Difference between the term switching and flogging, under the apprenticeship system, 4491–4500——There are a great many negro apprentices unregistered, or else illegally registered, in Jamaica, 4501–4533——There are no means on the part of persons held unduly in apprenticeship of vindicating their right to freedom in Jamaica, 4534–4539——No public officer to watch the register and compare it with the returns of slaves, 4540–4550. 4555——No instance of slaves denying their identity, 4551–4553.

The appointment of a public officer to check the registry by the actual number of apprentices working throughout the island would be the means of emancipating a considerable number of persons, 4556–4558——Instances of apprentices having been sold for double the sum they would have fetched between party and party previous to the Emancipation Act, 4559–4560——Landed property in Jamaica has increased 25 per cent. since the emancipation, 4561–4570——Witness lost all his property from advocating compulsory manumission, the abolition of female flogging, and ultimate emancipation, 4571——Various letters from official persons in the colony, approving of witness's conduct during the time he held the command of the Cornwall Rangers, 4576, *p.* 405——Extracts of various letters on the treatment of apprentices, 4576, *p.* 406, 407.

Beaumont, Mr. Only four members of the House of Assembly voted in favour of his motion for abolition of female flogging, *Oldrey* 3169. 3175–3177——Lost his seat in the House of Assembly for supporting the abolition of female flogging, *Beaumont* 3980–3988.

Beecham,

Beecham, Mr. Extract from a communication made by him to the Secretary of State, dated 24 February 1836, on the subject of the defective state in the West Indies generally of the law relative to marriages, *Grey* 5572.

Beldam, Joseph. (For First Examination, *see Jeremie, John.*) [Second Examination.]—Policy of the English law to limit the power of agents generally, for the benefit of the proprietor, 1123——Where there are representatives or agents in the colony, the ninth clause is quite sufficient, 1123——No relief to the apprentice from the fact of a proprietor leaving his property without an agent, 1123–1126——Objection that in cases of absentees having small properties in the colony, and leaving no agents, the apprentice has not the power to claim a compulsory manumission in the manner intended by the Imperial Act, and evidence thereon, 1123–1141——No provision made for cases where agents are not accredited, 1142–1152.

[Third Examination.]—Observation on the 16th section of the first Jamaica Act with reference to the 11th section of the Imperial Act, 1173–1175.

[Fourth Examination.]—Witness has examined the whole of the Acts passed in other West India colonies, and agrees with the opinion expressed thereon by Mr. Jeremie, 3359.

Beldam and *Matthews*, Messrs. Mr. Beldam's analysis of the different Acts for the abolition of slavery, *App. p.* 6–26——Analysis of colonial Acts and Ordinances, general in their title, but in practice more particularly affecting the emancipated negroes, by Mr. Beldam and Mr. Matthews, as part of their respective evidences, *App. p.* 65–78——Analysis of certain other Acts of the colonies of Antigua and Bermuda, general in their title, but in practice more particularly affecting the emancipated negroes, by Mr. Beldam and Mr. Matthews, *App. p.* 78–82.——*See* also *Jamaica Acts.*

Bell, Mr. Sum paid by him for the purchase of a coppersmith, *Oldham* 5002, 5003.

Bell, Mr. *W. H.* Extract from his report, dated 29th February 1836, on the state of the provision grounds in his district, *App. p.* 200.

Berlin Decree. During the existence of the Berlin decree, preventing the sale of coffee on the Continent, planters were not enabled to grant the allowances, *Burge* 2732.

Bermuda. Analysis of certain Acts of this colony, general in their title, but in practice more particularly affecting the emancipated negroes, by Messrs. Beldam and Matthews, as part of their evidence, *App. p.* 80–82.

See also *Beldam* and *Matthews*, Messrs. *Colonial Acts. Gaols. Houses of Correction.*

Bernard, Hon. Mr. Examination respecting claim set up by him to the services of a female apprentice; manner in which his claim was supported, and proceedings consequent thereon, *Beaumont* 4510-4527——Letter from Robert Barwell to witness, dated 26th November 1835, on the subject of the treatment received by the negroes on Caywannas estate from this gentlemen, *Beaumont* 4576, *p.* 406, 407.

Bible. See *Oaths.*

Bishop of Jamaica. See *Clergy.*

Bog Estate. Sum paid by an apprentice on this estate for his discharge, *App. p.* 249.

Boiler-men. Wages of, working nine hours per day, *Miller* 3556.

See also *Wages*, IV, 1.

Book-keepers. They are interested in defeating the well working of the apprenticeship system: it has deprived them of their authority, and will in a few years deprive them of their bread, *Madden* 453, *p.* 50.

Bourne, Mr. Sum awarded against him in an action brought by an owner of apprentices, *Madden* 774——Action brought, and verdict given against him, *Oldrey* 2977.

Bourne, Mr. *S.* Letter from him to Lord Sligo, dated 9th March 1836, on the subject of the provision grounds belonging to apprentices on the respective properties in his districts, *App. p.* 206.

Boys. There are instances of their refusing the wages paid for weeding the canes, *Jones* 5420. 5439, 5440.

British Guiana. Negroes are better off there than those in Jamaica, *Oldrey* 3136——Analysis of colonial Act regarding this island, and objection thereto, *App. p.* 68.

See also *Ordinances.*

Britton, Anthony. Was indicted and convicted of an assault on a female apprentice, and sentence passed upon him, *Grey* 5543.

Brown, Charles. (Analysis of his Evidence.)—Special magistrate, appointed by Lord Stanley, and length of time he remained, 5682–5686. 5698–5701——On estates under witness's jurisdiction the negroes did not receive the same indulgences after as they had been accustomed to receive previous to the passing the Emancipation Act, and reason assigned for it, 5687–5693——Apprehension among proprietors, that from the reduced time of labour under the apprenticeship, they would be unable to afford the indulgences, 5695, 5696——Evidence respecting the allowances and indulgences granted to negroes

Brown, Charles. (Analysis of his Evidence)—*continued.*

previous to their emancipation, 5702, 5703——Hostility of the planters, &c. to the apprenticeship system, 5704–5710——Whether they were willing to give adequate wages for the extra labour of apprentices, 5711–5713——Extent of punishments in witness's district, 5714–5720——Further evidence respecting the indulgences granted previous to the apprenticeship coming into effect, 5721–5732——Distance of provision grounds and markets from the estates, 5736, 5737.

Want of protection for special magistrates, from the enmity of the planters to the system, 5739–5761. 5774–5776 ——Several magistrates have been complimented with services of plate, &c., 5762–5773——Opinion on the prospects of the colony at the expiration of the apprenticeship system, 5777–5782——Reluctance among parents to apprentice their children, 5783–5785——No difficulty in obtaining access to the stocks-room in gaols: they were very unsuitable for the confinement of individuals, 5787–5792 ——Mode of valuation pursued by witness with respect to apprentices, 5793–5797—— Very few valuations of apprentices in witness's district, though the applications were numerous as to the price they would be charged, 5798–5804——Whether there was any symptoms of improvement as regards the feelings of the planters on the subject of the apprenticeship, 5807, 5808——Medical treatment is not sufficient, 5809——Females in the field work the same number of hours as the males, 5810.

Buff Bay. See *Thompson, A. Maria.*

Burge, William. (Analysis of his Evidence.)—Agent for Jamaica, 2669——Observations on the objections made by Mr. Jeremie and Mr. Beldam to the Jamaica Acts, and evidence given by them in support of those objections, 2671–2758——Whether negroes would be liable to penalties for absconding from an estate during the period an appeal was pending respecting his valuation, 2710–2718——Evidence respecting the person on whom apprentices are to serve notice of application for their discharge, 2719–2728.

[Second Examination.]—Evidence as to the law of Jamaica respecting the provisions, ground, clothing, &c. required to be furnished by the owner, as it existed at the time of passing the Slavery Abolition Act, 2758*——Special magistrates have the power of visiting plantation hospitals; also to summon parties before them with reference to the general welfare of apprentices, without any particular complaints being made, 2769–2772*——Extracts from the evidence given by Messrs. Baillie and Shand in 1832, respecting the allowances made to negroes, and examination thereon, 2775–2804—— No instance during the last twenty years of negroes making complaints of being in want of adequate maintenance, 2788——Owners are obliged to find them clothing, 2789——Different clauses in the Consolidated Slave Act imposing obligations on masters to provide requisite food, clothing and maintenance for his negroes, 2792. 2809–2811——Observations on the subject of the provision grounds of the negroes, 2828——Great inequality of land in Jamaica, 2837–2839——Objection to magistrates interfering to fix either the maximum or minimum of land to be granted to negroes, 2839. 2841–2845——Medical men of Jamaica are fully equal to the trust committed to them, 2845–2851.

[Third Examination.]—House of Assembly in Jamaica was dissolved previously to their having time to express their sentiments on the speech of the governor relative to the flogging of women in Jamaica, 3251–3255——Governor of Jamaica has the power, without any new Act being passed, of preventing a recurrence of the practice of flogging female apprentices, 3256–3261——Evidence respecting the prosecution against the supervisor of the Trelawney house of correction, 3262, 3263——Message of the governor to the House of Assembly on the subject of inflicting corporal punishment on females, 3267, 3268——Reason assigned by the House of Assembly for not returning any answer thereto, 3282–3285——Magistrates have no power to order the infliction of corporal punishment on females, 3289–3301——There is no such party as the pro-slavery party in existence in Jamaica, 3308——Prorogation of the House of Assembly did not take place from any unwillingness on their part to renew the Act in aid, but from a conviction of the necessity of maintaining their rights, which had been invaded by the governor, 3308–3316——Opinion as to the operation of the apprenticeship system, 3319–3353.

[Fourth Examination.]—Statement respecting the prosecution and conviction of the supervisor of the Trelawney workhouse, for flogging females, *p.* 317——Evidence respecting the period when apprentices are paid their wages, 3368–3380——Observations on the evidence given by Dr. Madden with respect to hours of labour of negroes; the trial of Captain Oldrey; the constitution of the courts of Jamica, 3384–3405——Very much of the objection urged against the Jamaica Abolition Act originates in an unjust and unfounded distrust of the manner in which the law of Jamaica is administered, 3406–3418.

[Fifth Examination.]—Further observations on the subject of the Jamaica Acts, 3433.

[Sixth Examination.]—Evidence respecting the state of the laws in Jamaica relative to the registration of slaves, 5169——No difficulty can arise in ascertaining what negroes are registered, 5170——No difficulty in ascertaining their identity, 5171, 5172——Considerable number of negroes have been released since the law came into operation, in consequence

Burge, William. (Analysis of his Evidence)—*continued.*
sequence of their having been omitted in the last register, 5173–5177——The onus of proving that a negro has been legally imported rests with the person who has omitted to register, 5178–5187.

[Seventh Examination.]—Particulars respecting witness's application to the government for a supply of small silver coin for circulation in Jamaica, 5518, 5519.

[Eighth Examination.]—Evidence respecting the steps taken by the House of Assembly with respect to the messages of the governor of Jamaica, on the subject of negro education, and the application of the sum granted by this country for that purpose, 5869, *p.* 511–513——By whom the clergy of the island are paid, and sum voted for that purpose, 5870–5876. 5879——Great desire among the members of the Assembly to provide means for the education of negroes, 5885–5888——Disclaimer on the part of the Assembly of any desire to evade or defeat the measure of emancipation, and extract from the memorial to the King from that body, 5889–5897——It is not the practice of the House of Assembly to order the payment of expenses of any witness who may be summoned before Committees, 5898–5905——Extract from memorial on the causes of the great mortality among emigrants sent to Jamaica, 5908–5910——Steps taken to ascertain the correctness or otherwise of the reports made to the governor of cases of females being flogged in workhouses, 5911.

Burge, Mr. *William.* Letter from him to the Chairman of the Committee, dated 5 August 1836, stating the impossibility of procuring witnesses from Jamaica in sufficient time for their examination, *Ev. p.* 525.

Bushy Park. See *Dorothy, St.,* Parish.

C.

Calder, Mr. Was prosecuted for punishing an old negro named Dayid; he died before the prosecution went out, *Russell* 5240.

Cane Cutters. Wages of cane-cutters at Seven Rivers in 1835, *Miller* 3556.

Cane-hole Digging. Negroes formerly would not dig cane holes for wages, *Miller* 3620——Apprentices are not able to dig the whole number required, *Jones* 5377——Number to be dug per day, as fixed by the special magistrate, *Jones* 5399——Apprentices give the preference to cane-hole digging, *Grey* 5522, *p.* 461.——*See* also *Wages,* IV. 1.

Cape of Good Hope. Ordinance for erecting, constituting and establishing police courts in Cape Town and Simon's Town respectively, and for defining the duties and jurisdiction of the judge and superintendent of police of Cape Town, and of the justice of the peace of Simon's Town respectively, and observations thereon, *App. p.* 78.

Capital. It may be profitably employed in hiring estates and residing upon them, *Jones* 5504.

Carnaby, Mr. *W.* Report of the state of the negro grounds attached to the different properties under his charge, *App. p.* 197——Letter from him to Lord Sligo, dated 8 March 1836, on the subject of the provision grounds of Montego Bay, *App. p.* 197.

Carr, Eliza. Statement made by Mr. Hyslop, regarding the proceedings taken against Mr. Aitchison, the supervisor of the Kingston house of correction, *Ev. p.* 524, 525.

Carricon, Island of. See *Treadmills.*

Carson, Samuel, Mr. Letter from him to Mr. Beaumont, dated 11 November 1835, on the subject of the management of apprentices, and the feelings of planting attornies towards them, *Beaumont* 4576, *p.* 406.

Carters. Wages of, at Seven Rivers, in 1835, *Miller* 3556.

Castle Mill Estate. Number of persons employed on this estate during dinner-time, *Jones* 5365.

Catherine, St., Parish. Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospect of the ensuing crop, *App. p.* 142, 143——Abstract of report, relative to the conduct and industry of the apprentices, the state of cultivation, the prospects of the crop, and the conduct of the masters, for the quarter ending in March 1836, *App. p.* 153.——*See* also *Gaols. Houses of Correction.*

Cattle. Clause inflicting punishment for merely ill-using cattle, though not done wantonly, is very severe in itself, *Jeremie* 87.

Certificates of Discharges. See *Apprentices,* 8.

Chains. The practice of working females in chains when in the penal gang is open to serious objection, *Rep. p.* vii——Injurious influence produced on the character and feelings of individuals from working in chains, *Rep. p.* vii——Females wear chains in workhouses during the time they are at work, *Miller* 3910, 3911——Description of those

Chains—continued.

worn in workhouses by females, *Miller* 3914–3918——Repeated instances of females being placed in chains since the passing of the Emancipation Act, *Beaumont* 4426. 4433, 4434——And working in chains in the public streets, *Oldham* 4610–4615.

In all cases in the workhouse gangs females work in chains, *Beaumont* 4438——All persons sent to workhouses are put in chains, *Beaumont* 4484–4490——Special magistrates are the only persons having the power of chaining women, and ordering them to be worked in the public streets, *Oldham* 4610——Witness did not sanction the working in chains till he received instructions from the governor to that effect, *Brown* 5720.

See also *Females. Penal Gangs. Prisoners. Workhouses.*

Chamberlain, Dr. Was not aware of any British statute regarding the mode of appraisement of slaves till pointed out to him by witness, *Beaumont* 4318–4325——Nature and extent of his interest in apprenticed labour, *Beaumont* 4163–4173.

Chapels. Sums voted by the House of Assembly towards the erection, &c. of different chapels in the island of Jamaica, *Burge* 5876.

See also *Negro Education.*

Chief Justice of Jamaica. He affords every protection to the special magistrates that he legally can, *Madden* 787.

Children. General disinclination on the part of parents to suffer their children who are under six years of age to become apprentices, *Rep. p.* viii., *Madden p.* 51, *Oldham* 4971–4976, *Grey* 5577——Those under six years of age, whose parents refuse to apprentice them, are liable to be taken before magistrates on the plea of destitution, *Madden p.* 51——Are frequently taken to the field and laid down beside the trenches which the mother is digging, *Madden* 604——Wages of children working seven hours per day, *Miller* 3556, *Shirley* 5043——Those on witness's property have the same allowances now as previously to the Abolition Act, *Oldham* 4973–4976, *Grey* 5577——Unless there is some law to compel them to work for their living, they will be brought up in idleness, *Jones* 5418–5420, *Grey* 5577.

Very few of those who were free on the 1st August 1834 are now in employment, *Jones* 5422, 5423, *Grey* 5577——Age at which they used to commence working during the existence of slavery, *Jones* 5424——Reports of special magistrates, relative to the condition of children in Jamaica, confirm the evidence of Mr. Jones as to their being brought up in a state of ignorance and idleness, *Grey* 5577——At whose expense they are clothed, *Jones* 5462–5465——*See* also *Clothing. Negro Education. Parents. Schools.*

Churches. Those in Jamaica are always crowded, so that others are being built to accommodate the population, *Oldham* 4704.

Clarendon, Parish of. Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined, *App. p.* 107–117——Rules and regulations for the government of the gaol of this parish, *App. p.* 129——Summary of the letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation and the expected crop, *App. p.* 141, 142——Reports relative to the conduct and industry of apprentices, the state of cultivation, the prospect of the crop, and the conduct of the masters in their respective districts, in the quarter ending March 1836, *App. p.* 151, 152——Letter from Mr. Gurley to Lord Sligo, dated 9 March 1836, on the condition of the provision grounds in his district, *App.* 207——Also an extract of a letter from Mr. Gurley, dated 24 February 1836, on the same subject, *App. p.* 207——Extract from Mr. Gurley's report, to 1 March 1836, *App. p.* 207.

See also *Apprentices*, 5. *Markets. Provision Grounds. Wages*, IV. 1.

Clarke, Elizabeth. Was indicted and convicted of an assault on a female apprentice, and sentence passed upon her, *Grey* 5543.

Classification of Apprentices. See *Apprentices*, 6. *Montserrat.*

Clergy. Want of sufficient power for clergymen and other ministers of religion to visit apprentices in gaols, &c., *Matthews* 1177——Manner in which those of Jamaica are paid, *Burge* 5870–5876——Observations on the Act to consolidate and amend the several laws relating to the clergy of Jamaica, and to invest the Bishop of Jamaica with ecclesiastical jurisdiction, *App. p.* 35.

Clocks. There are no clocks on the works of an estate, *Madden* 492–559.

CLOTHING:

1. *Generally.*
2. *By whom it is to be provided, and powers of the Special Magistrates to enforce its provision.*
3. *Complaints of the Insufficiency thereof.*

1. *Generally.*

The clause relating thereto is very vague, *Jeremie* 391——Very great objection to matters of clothing, food and medicine being dependent upon the pleasure of any one individual, who could change the allowances from those of his predecessor, and thus alter the

Clothing—1. *Generally*—continued.

the whole regime and management of an estate, *Jeremie* 414–418——Extract from evidence given in 1832 as to cost of clothing for a slave, *Burge* 2776——In some instances the parents will not allow their children to accept the clothing or allowances, for fear of compromising their freedom, *Jones* 5465–5469.

2. *By whom it is to be provided, and power of Special Magistrates to enforce its provision.*

Where clothing is not furnished special justices (under the 19th section of the Jamaica Act) have the power of levying a penalty, *Jeremie* 395–412——Opinion that special magistrates have the power to order the master to provide sufficient clothing, and fining him if he does not, *Madden* 896——Different clauses in the Consolidated Slave Act imposing obligations on masters to provide requisite food, clothing and maintenance for his negroes, *Burge* 2792. 2809–2811——Under the old law the sufficiency of clothing for negroes was to be determined by the justices and vestry, *Burge* 2801–2803——Evidence as to the powers possessed by special magistrates in fixing the quantity of clothing to be provided for negroes, *Burge* 2812–2819.

The vestries of the respective parishes decide upon the amount of clothing, *Madden* 889——Law under which clothing is due to apprentices, and by whom its sufficiency is decided, *Oldrey* 3110–3116——Owners of negroes are obliged to find them clothing, *Burge* 2789——Planters were compelled previous to the Emancipation Act to find their apprentices clothing, *Beaumont* 4388——Quantity to be furnished to apprenticed labourers, *App. p.* 40.

3. *Complaints of the Insufficiency thereof.*

Complaints of withholding legal clothing very common, and steps taken to enforce its being given, *Madden* 895–899——Evidence respecting the manner of defrauding apprentices of their legal clothing, *Oldrey* 2910–2920——Necessity for an alteration in the law with respect to the furnishing negroes with clothing, *Oldrey* 2954——Should be supplied regularly once a year, *Oldrey* 2913——In many cases the apprentices are allowed a certain sum of money for clothing, *Madden* 898——That furnished by the planters is objected to by the apprentices; they take money and buy a better description, *Oldham* 4700——There has been no alteration in the quantity of clothing granted to apprentices since the passing the Abolition Act, *Oldham* 4655.

See also *Children. Kingston Parish. Mason*, Mr. *Police*, 2. *Returns of Clothing. Skand*, Mr. *Vestries.*

Cocking, Mr. No doubt that he was interested in slave property at the time he was appointed a special magistrate, *Beaumont* 4123–4140——Opinion that he used the lash more frequently as a magistrate than a manager, *Beaumont* 4152——Extract from his report, to 1st March 1836, of the state of the provision grounds in his district, *App. p.* 196, 197.

Coffee. See *Berlin Decree. Milan Decree.*

Colebrook, Mr. A piece of plate voted to him by the planters of Jamaica, *Oldrey* 3072.

Colonization. Observations on the Act to colonize the interior lands of Jamaica, and form a permanent police, passed 9th December 1833, *App. p.* 33, 34.

Colonial Acts. Analysis of colonial acts and ordinances general in their title, but in practice more particularly affecting the emancipated negroes, *App. p.* 65–76——Analysis of certain other acts of the colonies of Antigua and Bermuda, *App. p.* 78–82——Remainder of analysis of West India laws, by Joseph Beldam, Esq., referred to in his evidence of 5th July, 1836, *App. p.* 82–104——Comments on those passed for the government of the different colonies: In Antigua, *App. p.* 90—In the Bahamas, *App. p.* 102—In Barbadoes, *App. p.* 82–85—In Bermuda, *App. p.* 103—In British Guiana, *App. p.* 85–87—In the Cape of Good Hope, *App. p.* 104—In St. Christopher's, *App. p.* 91–93—In Dominica, *App. p.* 95—In Grenada, *App. p.* 96—In Honduras, *App. p.* 101—In the Mauritius, *App. p.* 87–90—In St. Lucia, *App. p.* 100—In Montserrat, *App. p.* 91—In Nevis, *App. p.* 93, 94—In Tobago, *App. p.* 98, 99—In Trinidad, *App. p.* 99—In Tortola, *App. p.* 94, 95—In St. Vincent, *App. p.* 96.

See also *Beldam & Matthews*, Messrs. *Complaints. Ordinances. Police.*

Colonial Government. See *Flogging*, III. 3.

Combination. There has been no case of combination among negroes to obtain higher wages since the first operation of the Abolition Act, *Oldham* 4948–4950.

Compensation Money. Sum received by witness as compensation money, *Shirley* 5050——The interest of the compensation will not enable planters to pay wages enough to procure the same quantity of sugar to be raised as was raised during the slave system, *Shirley* 5096.

See also *Aberdeen*, Lord. *Act in Aid. Barrett*, Mr. *Battye*, Mr. *Negroes. Planters.*

Complaints. Are frequently withheld from the apprehension of not having justice done, *Madden* 824, 825——All complaints to be made in the first instance to special justices, and failing there, appeal to be had to the governor, *Madden* 953–955——Negroes have great difficulty in establishing their charges from th ir inability to procure witnesses,

Complaints—continued.

while the planter can command all the witnesses he finds necessary, *Madden* 956–961——Negroes preferring complaints against their masters are admitted on the same terms as the white population, *Madden* 977, 978——Nature and extent of those made against Mr. Mason by his negroes, *Oldrey* 2870–2909——Number of estates on which no complaints are made is regularly increasing, *Grey* 5522, *p.* 461——Analysis of the Act to enlarge the powers of justices in determining complaints between masters and servants, and between masters, apprentices, artificers and others, *App. p.* 35, 36.

See also *Clothing*, 3. *George, St.*, Parish. *Maintenance of Negroes. Mason*, Mr. *Medical Attendance. Oaths. Overseers. Wages*, V.

Compulsory Manumission. All cases of compulsory manumission are not provided for by either the first or second Jamaica Acts, *Jeremie & Beldam*, 25——Opinion that the clauses in the Jamaica Act in respect to compulsory discharge of apprentices are very defective, *Jeremie & Beldam*, 25–29. 32——The Abolition Act expressly enacts that the concurrence of the three magistrates to the appraisement is decidedly necessary, *Burge* 2671. 2680–2683.

See also *Appraisement of Negroes*, 2. *Apprentices*, 4. *Apprenticeship System*, I. *Manumission.*

Connor, Captain. Was not aware of the existence of any British statute respecting the appraisement of slaves till pointed out to him by witness, *Beaumont* 4318. 4325.

Conquered Colonies. In a state of absolute freedom the condition of the apprentices of conquered colonies would not be so advantageous as those of the settled colonies, and would require protection, *Beaumont* 4405.

Constables. Should be attached to the office of special magistrates; nature of the duties to be performed by them, *Oldrey* 3041——Observations on the Act to increase the power of the magistracy of Jamaica in the appointment of special constables, *App. p.* 34.

Constructive Treason Act. Although it was originally passed only for a limited period it is passed triennially or annually, *Beaumont* 4291.

Contracts. Would not be binding on the apprentice without the sanction of a special justice, *Madden* 483——Apprentices frequently take jobs by contracts now that formerly they would not do for wages, *Miller* 3620——Observations on the ordinance for the more speedy administration of justice in cases of contracts for the performance of labour, and of apprenticeships and contracts of the nature thereof; and to regulate the formation of apprenticeships, and to prevent and punish the harbouring of runaway apprentices in Trinidad, *App. p.* 76.

See also *Apprentices*, 1.

Cooper, Mr. Nature of his interest in apprenticed labour, *Beaumont* 4174–4180.

Coppersmiths. Sums at which the residue of their apprenticeship has been valued, *Madden* 741.

Copyhold Fines. Are left to a certain extent to the option of the lord or steward of the manor, *Beldam* 1174.

Coroners. Instance of a coroner threatening to get some negroes flogged for giving evidence against their employers, *Oldrey* 2900–2904.

Corn. An allowance of corn is made to apprentices on the south side of Jamaica in consequence of their not having provision grounds, *Oldham* 4954–4956——The allowance of corn made to apprentices previous to the Emancipation Act was stopped after that Act passed, *Brown* 5689.

Cornwall County. Comparative list of slaves and apprentices in the houses of correction in the several parishes of this county in Jamaica, antecedent and subsequent to the 1st August 1834, *App. p.* 163.

Cornwall Rangers. A corps of horse soldiers under this title was raised during the rebellion in Jamaica, *Beaumont* 4575, 4576——Documents forwarded to witness on the disbandment of this corps, *Beaumont* 4576, *p.* 405.

Coroners' Inquests. See *Thompson, Anna Maria.*

Corporal Punishments. See *Assembly, House of. Flogging. Jamaica*, Governor of. *Workhouses.*

Correspondence. Letter from Mr. Carson to witness, dated 11 November 1835, on the management of apprentices, and the feelings of planting attornies towards them, *Beaumont* 4576, *p.* 406—— Letter from Robert Barwell to witness, dated 26 November 1835, on the subject of the treatment received by the negroes on Caywannas estate, from the Hon. Mr. Bernard, *Beaumont* 4576, *p.* 406, 407 —— Letter from R. A. Wainewright, esq., secretary to the trustees of the Mico charity, to Sir George Grey, relative to the appropriation of the funds in aid of negro education, *App. p.* 221——Copies of the Marquis of Sligo's circulars, dated 12 May 1836, to the special magistrates and custodes of the Island of Jamaica, relative to the classification of apprentices, *App. p.* 225, 226—— Another from the same to the same, dated 25 August 1835, relative to the abolition of the

Correspondence—continued.

the nine-hour system of labour, *App. p.* 228——Letter from the Marquis of Sligo to Lord Glenelg, dated 14 January 1836, containing an account of the money paid by Mr. Mac Neel during 1835 for labour performed by the apprentices in their own hours, *App. p.* 228.

Crime. Proportion of crime between the white and coloured population of Jamaica, *Oldham* 4630–4652——Great increase of crime is alleged to have taken place among the negroes since their emancipation, *Grey* 5522——Lord Sligo's opinion that it is not so, *Grey* 5522——The apparent increase of crime is confined to one county, *Grey* 5522, *p.* 460——Offences are now brought forward for trial that were formerly punished on the estates, and the apparent increase therein may be attributed to that circumstance, *Grey* 5522, *p.* 460.

See also *Sligo*, Lord.

Crops. Deficiency in the crops on estates in Jamaica, and causes to which attributable, *Miller* 3589–3598——Failure of the crops of 1836 to be attributed to the want of labour in cleaning the canes, *Shirley* 5087, 5088——Reduction of crops on the Elmwood estate was not caused by the apprenticeship system, *Jones* 5479.

See also *Sugar Crop. Thomas's-in-the-East, St.*, Parish. *Trelawney.*

Crop Time. See *Hours of Labour*, 3. *Night Work.*

Crown Lands. Copy of Lord Glenelg's circular dispatch of 30 January 1836, relative to the sales of Crown lands in the West India colonies, *App. p.* 224, 225.

Cruelty. See *Overseers.*

Courts of Justice. The courts of common law to which apprentices must have recourse in cases of injuries are unwilling to inflict punishments against managers of estates *Jeremie* 83.

Cultivation. Witness has abandoned one-third part of the cultivation of his land since the Emancipation Bill came into operation, *Jones* 5369. 5376, 5377——Reason why witness abandoned the cultivation of one-third of his land, *Jones* 5384–5389.

State of cultivation at the under-mentioned places in 1835 and 1836:—In St. Andrew's, *App. p.* 145, 146—In St. Ann's, *App. p.* 143, 144. 154, 155—In St. Catherine's, *App. p.* 142. 153—In Clarendon, *App. p.* 141. 151—In St. David, *App. p.* 146. 159—In St. Dorothy, *App. p.* 142. 152—In St. Elizabeth, *App. p.* 140. 150—In St. George's, *App. p.* 145. 157—In Hanover, *App. p.* 139. 149—In St. James's, *App. p.* 139. 148—In St. John's, *App. p.* 142. 153—In Manchester, *App. p.* 141. 151—In St. Mary's, *App. p.* 144. 155—In Port Royal, *App. p.* 146. 159—In St. Thomas-in-the-East, *App. p.* 143–153—In St. Thomas-in-the-Vale, *App. p.* 145, 146. 158, 159—In Trelawney, *App. p.* 136. 147—In Vere, *App. p.* 142. 152—In Westmoreland, *App. p.* 140. 149.

In March 1836. In Kingston, *App. p.* 157—In Portland, *App. p.* 157—In Surrey, *App. p.* 146.——*See* also *Provision Grounds*, 3.

D.

Daughtrey, Mr. J. Letter from him to Lord Sligo, dated 7 March 1836, containing reports on the present condition of negroes with regard to provision, and the state of their grounds in the district under his charge, *App. p.* 199.

David, St., Parish. Place of confinement to be erected there, and a proper person to be appointed as keeper, *App. p.* 63——Summary of letter addressed to Lord Sligo in answer to a circular requiring reports of the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and expected crop, *App. p.* 146——Report relating to the conduct and industry of the apprentices, the state of cultivation, the prospect of the crop, and the conduct of the masters, for the quarter ending in March 1836, *App. p.* 159——Account of the state of the grounds belonging to the negroes on certain properties in this parish, 8 March 1836, *App. p.* 215.

Davies, Mr. *Thomas.* Letter from him to the Marquis of Sligo, dated 1 March 1836, containing a report of the respective properties in his district, and the state of the provision grounds thereon, to the 7th March 1836, *App. p.* 205.

Davis, Mr. Has awarded the negro wages withheld from him, and due for the performance of labour, *Miller* 3885——Extract of a letter from him to Lord Sligo on the subject of the statement made by Mr. Holy on his trial, that the special magistrate had ordered corporal punishment to be inflicted, *Grey* 5548.

Dawson, Mr. K. Was a very unfit person to be appointed a special magistrate, *Beaumont* 4109.

Debt. Ordinance for the more speedy recovery of debts not exceeding in any case the amount of 5 *l.* sterling in British Guiana, and objection thereto, *App. p.* 68.

See also *Apprentices*, 9.

Deficiency of Crops. See *Crops.*

Dillon, Captain. He had a piece of plate voted to him after his removal from Kingston to St. Anne's parish, *Oldrey* 3080——Evidence respecting the supposed cause of his removal from Kingston to the parish of St. Anne, *Oldrey* 3081-3087.
See also *Flogging*, IV.

Dillon, Mr. *T. A.* Report and observations on the cultivation, quality and quantity of the grounds in the possession of apprentices attached to the several estates in the upper dry harbour, district of St. Anne's, from the 16th February to the 8th March inclusive, 1836, *App. p.* 202.

Dinner-time Ground. Explanation of the term " Dinner-time Ground," *Miller* 3701.

Discipline. See *Gaols. Hothouses. Houses of Correction.*

Diseases. Those incident to a tropical climate are comparatively few, *Burge* 2845.

Disputes. See *Provision Grounds.*

Dissenters. Opinion that a majority of the whole population of Jamaica belong to dissenting communions, *Shirley* 5126–5128.

Dissenting Clergymen. See *Marriages.*

Dissolution of the House of Assembly. See *Assembly*, House of.

Distilleries. Wages of persons employed in the distilleries at Seven Rivers, *Miller* 3556.

Domestics. See *Wages*, IV. 1.

Dorothy, St., Parish. Summary of letter addressed to Lord Sligo in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the expected crop, *App. p.* 142——Report relative to the conduct and industry of the apprentices; the state of cultivation; the prospect of the crop, and the conduct of the masters, for the quarter ending March 1836, *App. p.* 152——Letter from Mr. A. N. Mac Leod to Lord Sligo, dated 2 March 1836, on the state of the provision grounds on the different estates in the parish, *App. p.* 206——Letter from the same to the same, dated 9 March 1836, on the conduct of the apprentices at Bushy Park, *App. p.* 206.
See also *Gaols. Houses of Correction.*

Dress. Negroes are very fond of dress, *Miller* 3487. *See* also *Clothing. Negroes.*

Dry Thrash Carriers. Wages of, working nine hours per day, *Miller* 3556.

Dunbar, Mr. Letter from him to W. G. Nunes, esq., dated 22 September 1835, enclosing rules and regulations for the government of the gaol and house of correction of the parish of St. George, made on the 2 September 1835, *App. p.* 133.

Dunne, Mr. P. Account of the state of the grounds belonging to negroes on the several properties within his district, 8 March 1836, *App. p.* 215.

E.

Ebony. Is not grown on the north side of the island of Jamaica, *Oldham* 4600.

Edwards, Mr. *Bryan.* Has taken great trouble to ascertain the feelings and opinions of the black population on the apprenticeship system, *Beaumont* 4410——Was appointed special magistrate by the governor of Jamaica; previously to his appointment had been an overseer, *Beaumont* 4116.

Eight-hour System:

1. *Extent of its Adoption in Jamaica.*
2. *Evils arising from its Adoption.*
3. *Opinion of Planters and Apprentices thereon.*

1. *Extent of its Adoption in Jamaica:*

The greater number of the estates in Jamaica are worked by the eight-hour system *Madden* 516–524. 531–540, *Oldham* 4785, 4786——It is generally adopted on the estate, in Jamaica, *Jones* 5332–5343——There is no doubt that it is still continued to be acted upon on many estates in Jamaica, *Grey* 5539——Reason it was adopted by managers of estates, *Miller* 3684–3686——Was recommended by Lord Sligo, *Beaumont* 4444——Its adoption would benefit the proprietor of the estates as well as the negro, *Miller* 3866–3868.

2. *Evils arising from its Adoption:*

Evils arising therefrom, *Madden* 516–524——Opinion that it was adopted not on account of its advantages to the estate above what the nine-hour system would afford, but for the sake of a vexatious opposition to the apprenticeship system, *Madden* 594–599——Is only resorted to by those planters who are opposed to the apprenticeship system, *Oldrey* 3234——Apprentices are deprived of a half day, which they would otherwise have for the cultivation of their grounds, by the operation of the eight-hour system, *Oldrey* 3223–

Eight-hour System—2. *Evils arising from its adoption*—continued.

3223-3225——Its adoption has increased on plantations, for the purpose of punishing the negroes, *Oldrey* 3235——Operation of the eight-hour system of labour has an injurious effect, *Oldrey* 3222-3242——Gives an opportunity to the proprietor or manager to extract as much work out of the apprentices in the eight hours as in the nine, *Oldrey* 3224, 3225——Very general complaints have arisen in consequence of its being adopted, *Grey* 5530.

3. *Opinions of Planters and Apprentices thereon:*

The negroes considered it a very great hardship on them, *Oldrey* 3228, 3229——Apprentices do not feel themselves aggrieved by its adoption, *Oldham* 4769——No doubt that the eight-hour system is preferred by the planters, *Grey* 5532.

See also *Elizabeth, St., Parish. Hours of Labour*, 1. *Sligo*, Lord.

Ejectment. See *Apprentices*, 9.

Elective Franchise. The Jamaica Act to amend the elective franchise passed 20 December 1834, *App. p.* 36.——*See* also *Assembly*, House of.

Elizabeth, St., Parish of. Evidence respecting the extent thereof, and its population, *Oldrey* 2863, 2864——But few resident proprietors in this parish, *Oldrey* 2996——Provision grounds allotted to apprentices in this parish were ample for them, *Oldrey* 3125——Instances of females having been flogged in the gaol of this parish, *Oldrey* 3168——On the majority of the estates in this parish the eight-hour system is enforced, *Oldrey* 3234——Prosecution against the supervisor of the workhouse of this parish, for punishing an old negro, *Russell* 5240.

Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined, *App. p.* 107–117——Rules and regulations for the house of correction or gaol in this parish, *App. p.* 119——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation and the prospects of the ensuing crop, *App. p.* 140——Reports relative to the conduct and industry of apprentices, the state of cultivation, the prospect of the crop and the conduct of the masters in their respective districts, for the quarter ending March 1836, *App. p.* 150——Reports from the special justices of this parish, on the state of the negro grounds in their respective districts, *App. p.* 198–200.——*See* also *Apprentices*, 5. *Gaols. House of Correction. Treadmills.*

Elmwood Estate. Sum at which it was originally valued, and sum for which it sold, *Jones* 5478——Average produce of it now and formerly; it was under very bad management, *Jones* 5479, 5480.——*See* also *Crops.*

Emancipation of Negroes. Planters consider themselves very much aggrieved from the emancipation of their negroes, *Oldrey* 2991.

See also *Antigua. Apprenticeship System*, I. *Assembly*, House of.

Emigration. Any extensive system of emigration from this country to the West Indies is not likely to succeed, *Grey* 5623.——*See* also *Mortality.*

Esher Estate. Quantity of sugar made on this estate previous to and since the apprenticeship system, *Oldham* 4802–4806.——*See* also *Apprentices*, 5.

Estates. Great change has taken place in the management of estates since the apprenticeship system, *Grey* 5522.——*See* also *Medical Men. Steam Engines.*

Etingdon Estate. Experiment of giving negroes wages for adequate labour tried with success on this estate, *Miller* 3492——Situation of the negroes on this estate not so advantageous as those on estates under witness's management, *Miller* 3568–3571——In what the difference between the system of management pursued on this estate and that generally followed in Jamaica consists, *Shirley* 5092, 5093.

See also *Allowances*, 4. *Apprentices*, 5. *Hours of Labour*, 3. *Wages*, IV. 1.

Europeans. The majority of the white population of Jamaica are opposed to the present system of apprenticeship, *Oldrey* 3156. 3160——Negroes are very averse to having white men placed over them, *Beaumont* 4411——Whether during the apprenticeship any white people have been sentenced to the penal gang, *Oldham* 4627——Are very seldom sent to workhouses, except for the purpose of degradation, *Russell* 5256–5267.

See also *Assaults. Manslaughter.*

Ewart, Mr. *D.* Report of the state of provision-grounds in his district, 21 March 1836, *App. p.* 215.

Excessive Valuations. See *Appraisement of Negroes*, 2.

Exhausting Crops. See *Plantains.*

Expenses of Witnesses. See *Witnesses.*

Extra Allowances. See *Allowances*, 4. *Apprentices*, 3. *Fish.*

Extra Labour. See *Pryce*, Mr. *Wages*, IV. 2.

F.

Facey, Mr. Nature of his interest in apprenticed labour, *Beaumont* 4181–4185.

Facey, Mr. *R. B.* Letter from him to Lord Sligo, dated 1 March 1836, with report on the state of the negro grounds in his district, *App. p.* 196.

Falmouth House of Correction. See *Houses of Correction. Kelly*, Mr.

Families, Separation of. Objections made by Mr. Jeremie to the 14th and 15th clauses of the Jamaica Act regarding separation of families is unfounded, *Burge* 2729.

Fees. There are no fees imposed by law on any document required under the Jamaica Abolition Act, *Burge* 2671.

Felons. See *Flogging.*

Felony. Persons found guilty of felony are not sent to the workhouse but to gaol, *Burge* 3302–3306——Instances of persons found guilty of felony being flogged, *Burge* 3304.

Females. Great hardships suffered by pregnant women in consequence of being called on to work up to the last moment of their pregnancy, *Madden* 482——Extract from the instructions given by Lord Sligo to special magistrates with respect to the liability of pregnant women to repay lost time, *Grey* 5527——The indulgences formerly granted to pregnant females were withheld after the apprenticeship system came into operation, *Brown* 5721. 5725, 5726——Female negroes obliged to take their children with them when working in the fields, *Madden* 600–604——Those violating an apprenticeship enactment may be sent to workhouses, and they then become subject to its discipline, *Jeremie* 344–349——Apprenticed females, when sent to the house of correction, should continue under the control of the special magistrates alone, *Jeremie* 355.

A common practice to commit female slaves to the workhouse by way of punishment, *Miller* 3845–3849——Free women committed to workhouses cannot be placed in the penal gangs; they are merely sent for confinement, *Miller* 3846——Are obliged to work in chains when imprisoned in workhouses, *Miller* 3906–3921——The practice of cutting off the hair of females is very injurious to their health, *Oldrey* 3220, 3221——Are frequently employed on the roads, *Miller* 3907——Cannot be sentenced to the penal gang except by order of a special magistrate, *Miller* 3926——May be confined in the stocks, but not for more than eight hours at a time, *App. p.* 46.

See also *Act in Aid. Assembly*, House of. *Chains. Field Labour. Flogging. George, St.*, Parish. *Kingston* Parish. *Martin, Eliza. Palmer*, Dr. *Penal Gangs Punishments*, 1. *Quarter Sessions. Switching. Treadmills. Trelawney* Parsh.

Ferry Hill, Jamaica. See *Portland Chapel.*

Field Labour. Negroes can only be employed in field labour nine hours per day, *Jeremie* 117, *Oldrey* 3224——Negroes could not be employed for 42 hours successively in field labour, *Jeremie* 126. 128——Apprentices engaged in field labour are allowed by the Act an intermission of three hours for meals, *Jeremie* 379——Time allowed apprentices when at field labour for taking their meals, *Beaumont* 4352——Females with six children were exempted from field labour under the slave law; they now labour in second gangs, *Madden* 527.

See also *Hothouse Doctors. Hours of Labour*, 2. 4. *Labour. Wages*, IV. 1. *Water-carriers.*

Field Labourers. See *Appraisement of Negroes*, 1. *Labourers. Wages*, IV. 1. *Water-carriers.*

Fife, Mr. *A. G.* Nature and extent of his interest in apprenticed labour, *Beaumont* 4187–4189.

Fines. Those levied on owners of slaves for injury done to their apprentices are paid to treasury of the island, *Oldrey* 3219——All fines imposed by the Jamaica Abolition Act are applied to the use of the island, *Burge* 3336.

Finlayson, Mr. Nature of his interest in apprenticed labour, *Beaumont* 4186——Report as to the provision-grounds in his district of St. James's parish, *App. p.* 196.

Fire. Power conferred on magistrates to inflict punishment for endangering property was never intended to be enforced, *Jeremie* 87. 106–108.——*See* also *Penalties.*

Fire Arms. Objections to certain clauses contained in an Act to register fire arms, and to enforce the several laws relating to arms and gunpowder, and for the protection of property, *Jeremie* 1096–1120——Analysis of the Jamaica Act to register fire-arms and to enforce the several laws relating to arms and gunpowder, and to the protection of property and person, *App. p.* 36.

Fish. Forms no part of the allowance to an apprentice; it is an indulgence, *Oldham* 4656——Has always been considered as an extra allowance, *Shirley* 5038, 5039.

See also *American Fish. Shad.*

Fishburne, Mr. *E.* Letter from him to Lord Sligo, dated 1 March 1836, containing an account of the state and condition of the negro grounds within his district, *App. p.* 217, 218.

FLOGGING:

I. *Generally.*
II. *Offences for which it can be inflicted, and by whom it must be ordered.*
III. *Opinions on the Practice of Flogging Females:*
1. Whether the practice was in existence previous to the Emancipation Act.
2. Legality or Illegality thereof.
3. Measures taken to prevent its recurrence.
IV. *Whether the Lash is inflicted more or less since the passing the Emancipation Act.*

I. *Generally:*

Though the magistrate might be liable to the censure of the governor for inflicting the lash, he would not be liable to any legal punishment, *Jeremie* 135–140——Objection to the severe corporal punishment for comparatively trifling offences, *Matthews* 1177——Magistrates have intrusted the power of inflicting corporal punishment illegally to their subordinates, *Jeremie* 1090–1093.

II. *Offences for which it can be inflicted, and by whom it must be ordered:*

Offences for which it may be administered, *Madden* 911–913——Corporal punishment is inflicted where labour is withheld, *Madden* 474——By the law of Jamaica the punishment of flogging can be inflicted on felons, *Jeremie* 1069——Has been used for the purpose of enforcing labour on the tread-mill, *Grey* 5543——Special magistrates have the power of inflicting the lash on the negro for complaining of having been deprived of his natural rest by continuous labour, *Jeremie* 131——Justices are empowered to order personal correction in certain cases of repeated disobedience to prison discipline, *Jeremie* 1066–1069——Since the passing of the Abolition Act it is impossible to maintain that either a magistrate or supervisor has authority to punish female apprentices by flogging, *Burge* 3255——Magistrates have no power to order the infliction of corporal punishment on females, *Burge* 3289–3301.

III. *Opinions as to the Practice of Flogging Females:*

1. Whether the practice was in existence previous to the Emancipation Act:

The whipping of free females is allowed in houses of correction and workhouses, *Jeremie* 344——Witness has heard of female apprentices being flogged in workhouses, *Madden* 920. 938–940, *Russell* 5203——Previous to the operation of the Abolition Act the practice of flogging females did exist, *Burge* 3306——Evidence respecting its infliction on females, *Oldrey* 3168–3215——Was inflicted upon female apprentices exclusively, *Oldrey* 3182–3184——Opinion of the House of Assembly that the system of flogging females referred to by the governor's message of the 17th November 1835, did not exist, *Burge* 3282, 3283.

2. Legality or Illegality thereof:

House of Assembly has declared their opinion of the illegality of this mode of punishment, *Rep. p.* vii——Flogging them was not legal before the apprenticeship commenced, *Madden* 920. 938–940, *Miller* 3821–3844——The Act in Aid sanctions indirectly female flogging, thereby striking at the very spirit of the Imperial enactment, and evidence thereon, *Jeremie* 343–359——There is no law sanctioning the flogging of female apprentices, *Madden* 922–925——The corporal punishment of females has ceased since the passing the Emancipation Act, *Oldrey* 3171——There is a general law in Jamaica that female apprentices shall not be punished, *Oldrey* 3185——There were none flogged in witness's district, *Brown* 5715, 5716——Are not subject to be punished by whipping for any offence committed by them, *App. p.* 43.

3. Measures taken to prevent its recurrence:

Measures have been taken by the colonial government to prevent recurrence of the violation of the Act prohibiting the infliction of corporal punishment on female apprentices, *Rep. p.* vi. vii——Extract from the speech of the Governor of Jamaica, on proroguing the House of Assembly in 1836, on this subject, *Jeremie* 351——No general directions have been given by the Governor of Jamaica to the keepers of workhouses, forbidding the infliction of corporal punishment on females under any circumstances, *Grey* 5553——The power of flogging apprentices has been taken away from the owners, *Madden* 878——Legislature of Jamaica paid no attention to the recommendation of the governor to pass a law prohibiting female flogging, *Jeremie* 351. 358, 359.

Steps taken by the House of Assembly on the Governor's message respecting the infliction of corporal punishment on females, *Rep.* vi. *Burge* 5911——Governor of Jamaica has the power, without any new Act being passed, of preventing a recurrence of the practice of flogging female apprentices, *Burge* 3256–3261——Message of the governor to the House of Assembly on the subject of inflicting corporal punishment on females, *Burge* 3267, 3268——Extract from Lord Sligo's despatch of 12th April and the 5th September 1835, on the subject of female flogging, *Grey* 5540, *p.* 465——Lord Glenelg's answer thereto, *Grey* 5540, *p.* 466——Report of the Committee of the House of Assembly appointed to inquire into certain cases of female flogging, dated 14th June 1836, *Ev. p.* 522, 523.

Flogging—continued.

IV. *Whether the Lash is inflicted more or less since the passing the Emancipation Act:*

Many plantations on which the apprentices have not had the lash inflicted on them; others that require frequent visitation, *Oldrey* 3042——It was not administered to the same extent at Kingston under Dr. Madden as under Capt. Dillon, *Oldrey* 3080——Is inflicted to the same extent as it was under the system of slavery, *Beaumont* 4029–4031——Opinion among apprentices that the special magistrates flog more in many instances now than they did before the Emancipation Act, *Beaumont* 4037——Whether the whip was not in frequent use prior to the abolition of slavery, *Shirley* 5138–5145——There does not appear that anxiety among the managers of estates to inflict corporal punishment, *Grey* 5522——The gaoler of the house of correction at Black River has adopted the use of the cat at his own pleasure, *Grey* 5541.

See also *Apprenticeship System*, V. *Assembly*, House of. *Cocking*, Mr. *Davis*, Mr. *Elizabeth, St.*, Parish. *Felony*. *George, St.*, Parish. *Jamaica*, Governor of. *Madden*, Dr. *Martin, Eliza*. *Palmer*, Dr. *Prosecutions*. *Reid, Jane*. *Slowly*, Mr. *Solitary Confinement*. *Thomas, St., in the East*, Parish. *Trelawney House of Correction*.

Food. Reason why the negro requires a stronger subsistence than the agricultural labourers of Scotland, *Jeremie* 257–262——Is very easily procured in Jamaica, *Miller* 3486.

Fort Stewart. See *Apprentices*, 5.

Frauds. See *Agreements*. *Hours of Labour*, 6. *Magistrates*, II. 1.

Freedom. See *Non-registration*. *Planters*.

Free Persons. They are not liable to commitment to the house of correction without a legal trial, *Miller* 3929–3931——They are kept in gaols, they are not sent to work-houses, *Miller* 3940–3945——*See* also *Flogging*, III. 1. *Workhouses*.

Furniture. Very great improvement in articles of furniture in the houses of apprentices since the apprenticeship system has been understood by them, *Oldham* 4700.

G.

Gaols. Keepers of gaols are nominated by the mayor of Kingston, and therefore entirely in the power of the colonial magistrates, *Jeremie* 1064——Objects of the Act for making provisions for building, &c., gaols, houses of correction, &c., are directed principally to that part of the community in apprenticeship, *Jeremie* 1039–1042—— Period when the Jamaica Act is made to expire, and evidence thereon, *Jeremie* 1048–1052——Keepers of prisons are allowed, contrary to the rules of the prisons, to hear complaints; their decision is to be confirmed in writing by the visiting justices, *Jeremie* 1065.

Analysis of the Jamaica Act for making further provisions for the building, repairing and regulating of gaols, &c., *App. p.* 32——Rules and regulations established by the Jamaica Act compared with those of the English statutes, *App. p.* 32, 33——Letter from Lord Glenelg to the Marquis of Sligo, dated 18th November 1835, on the subject of prison discipline, as far as regards the colony of Jamaica, *App. p.* 106, 107——Extract of a despatch from the Marquis of Sligo to Lord Glenelg, dated 5th March 1836, in answer to the above, *App. p.* 107–117——Number of gaols; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the prison, &c., in the various parishes in Jamaica, *App. p.* 108.

See also *Clergymen*. *Elizabeth, St.*, Parish. *Free Persons*. *Manslaughter*. *Medical Men*. *And the respective Parishes under their respective Names*.

George, St. Parish. Apprentices on estates in this parish are constantly coming to Kingston to make complaints of the working of the present system, *Beaumont* 4033——There is no doubt that a considerable number of hours beyond that which had been agreed to was required from the negroes in this parish, *Beaumont* 4419—— Instance of females being flogged in this parish, *Russell* 5203——Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117.

Letter from Mr. Dunbar to W. G. Nunes, esq., dated 22d September 1835, inclosing rules and regulations for the government of the gaol and house of correction of this parish, made on the 2d September 1835, *App. p.* 133——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and expected crop, *App. p.* 145——Report relating to the conduct and industry of the apprentices, the state of cultivation, the prospect of the crop, and the conduct of the masters in their respective districts, for the quarter ending March 1836, *App. p.* 157——Report from special magistrates of this parish on the state of the negro provision grounds in their respective districts, 1st and 2d March 1836, *App. p.* 217, 218.

See also *Complaints*. *Hours of Labour*, 2. *Flogging*, III. 1.

Germans. Mortality prevailed principally among the Germans sent to Jamaica; they had not been properly selected, *Burge* 5908.

Glenelg, Lord. Extract from his despatch to the governor of the West India colonies on the subject of marriages, *Rep. p.* vii——Extract from his despatch on the importance of removing from office all persons having any interest in apprenticed labour, *Matthews* 1177——Extract from his despatch to Lord Sligo, stating that if any doubt existed as to the legality or illegality of flogging females, it ought to be set at rest by some legislative enactment in Jamaica, *Grey* 5549——Suggestion by him that withdrawing of the commission of a magistrate would tend to prevent excessive valuations, *Grey* 5569.

Despatch from the Marquis of Sligo to Lord Glenelg, dated 18 April 1836, containing a comparative list of slaves and apprentices in the houses of correction in the island of Jamaica antecedent and subsequent to the 1st August 1834, *App. p.* 163——Letter from the Marquis of Sligo to Lord Glenelg, dated 10th March 1836, containing reports on the state of the provision-grounds in Jamaica, *App. p.* 193–218——Copy of his circular despatch of 30th January 1836, relative to the sales of Crown lands in the West India colonies, *App. p.* 224, 225.

See also *Flogging*, III. 3. *Gaols. Houses of Correction.*

Gordon, John. Was tried and convicted of flogging a female while at work in the penal gang, *Ev. p.* 523.

Grand Juries. See *Nepean*, Sir *M. H.*

Grand Caymanas. Owing to the want of registration, the slaves in this dependency obtained at once their absolute freedom, *App. p.* 103.

Grant, Mr. *J. W.* State of grounds belonging to apprentices within his district in the parish of Manchester, *App. p.* 209.

Greek Poets. Instance of a local magistrate tendering one of the Greek poets for the purpose of administering oaths to constables, *Oldrey* 2874–2887.——*See* also *Oaths.*

Grenada. Observations on the Act for establishing a common gaol and treadmill in the island of Carricon, *App. p.* 75.

Grey, Sir *George.* (Analysis of his Evidence.)—Reports received from Lord Sligo are generally favourable to the well working of the apprenticeship system, 5520——Great decrease in the number of lashes inflicted by the special magistrates, 5522——Apprentices on Mr. Pryce's property are receiving considerable sums for extra labour, 5522——Complaints are diminishing every day, 5522——Nearly all the special magistrates have received local commissions, 5522——Instructions given by Lord Sligo relative to the duties of the special magistrates, and evidence thereon, 5522, 5523——Date when Lord Sligo was authorised to grant local commissions, 5525——Lord Sligo has exerted himself to establish the nine-hour system instead of the eight-hour, 5530.

Nine-hour system is preferred by the apprentices, 5530–5532——Opinion of Lord Sligo that the eight-hour system has been in some instances resorted to for the purpose of annoying the negroes, 5532–5536——Eight-hour system prevails to a great extent in Jamaica, 5539——Examination relative to the infliction of corporal punishment on females in workhouses, 5540–5543——Corporal punishment has been used to compel labour on the treadmill, 5543——Prisoners sentenced at the assizes are confined in gaol, and those sentenced at the quarter sessions are sent to the workhouses, 5543, 5544——Supervisors of workhouses have been convicted of inflicting the lash on females, 5545–5550.

Supervisors of workhouses act under the directions of the visiting magistrates, 5552–5557——Impediments have been thrown in the way of negroes obtaining their freedom, 5561–5566——Valuations still go on, notwithstanding the obstacles that are thrown in the way, 5566–5568——Lord Sligo has received instructions to propose to the colonial legislature that the law regarding valuations should be the same in Jamaica as in the Crown colonies, 5569——Extract from Mr. Beecham's communication to the Secretary of State, upon the subject of the marriage laws of Jamaica, 5572.

[Second Examination.]—Various instances in which the intention of the legislature with respect to valuations of apprentices have been defeated 5573–5577——Children in Jamaica are brought up in a great degree in a state of ignorance and idleness, 5577——No instance of free children under six years old being apprenticed in cases of their parents not maintaining them, 5577–5579——Very great desire for instruction in Jamaica, and a general disposition on the part of all parties to promote it, 5580——Steps taken to promote education among the young free negroes, 5581–5608——Schools at present existing there are extremely inadequate to the purposes, 5609, 5610——Very large proportion of the population in the Mauritius are unable to read, 5611–5615.

Whether the measures taken are adequate to protect the magistrates in the discharge of their duties, 5624–5628——Reports relative to places of confinement in Jamaica have in some instances stated they were in a very unsuitable condition, 5629, 5630——Whether the Jamaica Workhouse Act has been allowed or disallowed, 5631, 5632——Amount of penalty to be recovered for refusing permission to special magistrates to inspect gaols, &c., 5633–5635——Progressive diminution of punishments in Jamaica, 5636——No doubt it would have been better if a reciprocity of punishment as to offences committed by planters and apprentices had been introduced into the Act originally; no case has

Grey, Sir *George*. (Analysis of his Evidence)—*continued*.

been proved to warrant an alteration in the law in that respect, 5650–5652——General result of information from Jamaica is, that apprentices are willing to work for wages in their own time, 5658.

Numerous instances have taken place of their refusing to work for wages, and supposed reason, 5658, 5659——Negroes should be encouraged to become proprietors of estates, 5660–5663——Further evidence respecting the refusal at first of the negroes to work for wages, and subsequent willingness to do so, 5664——Present condition of planters is not one of unrivalled prosperity, though it is improving, 5666, 5667——No instance of insurrection has occurred since the abolition of slavery, 5668, 5669——Nothing so calculated to endanger the successful working of the present system as an interference at present on the part of the British Parliament, with a view of shortening the term of apprenticeship, 5673——Certain indulgences granted to apprentices during slavery, but which there was no legal obligation on the part of proprietors to confer, 5674–5681.

[Third Examination.]—Evidence respecting the proceedings of the House of Assembly with respect to negro education, and the flogging of females, 5863——Great desire among apprentices to be employed at wages, 5863——Further evidence respecting the punishments inflicted upon negroes, 5864——Very difficult to insert the maximum of any one mode of punishment inflicted by any special magistrate, 5864.

Gunpowder. Objections to certain clauses contained in an Act to register fire-arms, and to enforce the several laws relating to arms and gunpowder, and for the protection of property, *Jeremie* 1096–1120——Analysis of the Jamaica Act as respects registration of fire-arms, and the several laws relating to arms and gunpowder, and to the protection of property and person, *App. p.* 36.

Gurley, Mr. Letter from him to Lord Sligo, dated 9 March 1836, on the condition of the provision-grounds within his district, *App. p.* 207——Extract of a letter from him, dated 24th February 1836, on the same subject, *App. p.* 207——Extract from his report to the 1st March 1836, on the same subject, *App. p.* 207.

H.

Hall, Melmoth. (Analysis of his Evidence.)—Evidence respecting the number of hours of labour apprentices worked on certain estates, and remuneration they received, 5816–5848——Witness does not agree in the report made by Mr. Nolan with respect to Happy Grove estate, 5850–5852——Negroes have no desire that stipendiary magistrates should interfere in the agreements made between them and the planters, 5855–5857——Whether the plough has been introduced on estates in Vere, 5858–5862

Hamilton, Mr. *Cheney*. Nature and extent of his interest in apprenticed labour, *Beaumont* 4190, 4191——Letter and report from him to Lord Sligo, dated 29th September 1835, 22d February, 1st and 7th March 1836, on the state of the negro grounds within his district, *App. p.* 216, 217.

Hanover, Parish of. Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined, *App. p.* 107–117——Rules and regulations laid down by the magistrates for the management of the house of correction and gaol, *App. p.* 120——Additional rules and regulations made by magistrates in special session, and now in force, *App. p.* 120——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of each district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospects of the ensuing crop, *App. p.* 139——Reports relative to the conduct and industry of apprentices, the state of cultivation, the prospects of the crop, and the conduct of the masters in their respective districts for the quarter ending March 1836, *App. p.* 149——Letter from R. S. Cooper, sen., to the Marquis of Sligo, dated 29th February 1836, on the state of the provision-grounds in New Green Island, Hanover, *App. p.* 193.

Happy Grove Estate. See *Nolan*, Mr.

Hard Labour. Apprentices sentenced to imprisonment and hard labour may be secured with the penal gang, but not placed in chains, *Miller* 3962.

Harris, Mr. Whether he has any interest in apprenticed labour, and extent thereof, *Beaumont* 4192–4202.

Harris, Mr. *James*. Report on the state of the negro provision-grounds on the properties within his district on 22d and 23d February 1836, *App. p.* 211——Another report on the same subject, on properties visited between 24th February and 1st March 1836, *App. p.* 211–214.

Hawkins, Mr. Evidence respecting his interest in apprenticed labour, *Beaumont* 4203, 4204.

Hawkins, Mr. C. Statements of the negro provision-grounds, whether worked, abundant provisions, or are cultivated as well as before the 1st August 1834, in the district under his charge, *App. p.* 200.

Headmen. See *Overseers.*

Herrings. From the high price of herrings, it has been occasionally impossible for many proprietors to import them into Jamaica, *Burge* 2782——The consumption of herrings has decreased in Jamaica, *Oldham* 4687——The allowance of, was withheld the apprentices on estates in Lower Clarendon and Vere, *Brown* 5689.

Hewitt, Tabitha. A negro on Mr. Mason's estate, who died from want of proper medical attention, *Oldrey* 2889–2894. 2897–2900.

Hewitt, Mr. *William.* Nature of his interest in apprenticed labour, *Beaumont* 4205–4211.

Highway Act. It was passed in December 1834, and is still open to disallowance, *Grey* 5867.

Highway Laws. Analysis of the Act to consolidate the highway laws of Jamaica, *App. p.* 36, 37.

Hill, Mr. Resigned the situation of chief magistrate of Jamaica in disgust, *Oldrey* 3007. 3010.

Hillside Estate. Number of negroes belonging to this estate, *Hall* 5817.

Hiring Estates. See *Capital.*

Hoe-Work. No difficulty in getting it done at fair wages, *Oldham* 4744.

Holidays. The withdrawal of certain holidays the cause of the late rebellion in Jamaica, *Madden* 506–509.

Hope Estate. Evidence respecting the complaints made by negroes on this estate, *Beaumont* 4043–4056.

Hospitals. Special magistrates have the power of visiting plantation hospitals, *Burge* 2769–2772*, *Grey* 5361——Manner in which they are supplied with medicine, *Oldham* 5017——Analysis of the Jamaica Acts, for making further provision for the building, repairing and regulating of hospitals, &c., passed 4 July 1834, *App. p.* 32——Rules and regulations established by the Jamaica Act, compared with those of the English statutes, *App. p.* 32, 33.——*See* also *Magistrates,* II. 5. *Medical Men.*

Hothouses. Nature of the discipline and punishment in use at the hothouses, and evidence thereon, *Madden* 615–619——Negroes would bear almost any amount of sickness sooner than go to them, *Madden* 616. 620–622. 625——Frequent cases of negro apprentices being accused of shamming sick, when in point of fact they have been very unwell, *Madden* 742–751. 755, 756.——*See* also *Medical Men. Stocks. Workhouses.*

Hothouse Doctors. Part of their duty to compound and administer medicine to the sick negroes, *Madden* 610——They are not expected to work in the field, *Madden* 606.

Hour Glass. Overseer of St. George's parish has three several times broken the hour-glass given by witness to the apprentices there, *Beaumont* 4421.

Hours of Labour:

1. *Generally.*
2. *Number of Hours' Labour required by Law.*
3. *Arrangement made with the Apprentices on certain Estates as to the number of Hours they will work.*
4. *Number of Hours Apprentices may be employed continuously.*
5. *Apportionment of extra Hours imposed by way of punishment.*
6. *Frauds practised on Apprentices as regards their Hours of Labour.*
7. *Value of extra Labour.*

1. *Generally.*

The employer has the legal right of apportioning them, *Rep. p.* vi.——Apprentices prefer the nine to the eight-hour system, *Rep. p.* vi. *Jeremie* 123——Great diversity of opinion among apprentices as to which of the systems they prefer working under, *Jones* 5325, 5326——Difference between the nine-hour and eight-hour system productive of very great disputes in Jamaica, *Madden* 485–493——Apprentices have the preference given them to work extra time over a jobber, *Jones* 5394——Apprentices during slavery were never employed during dinner-time, *Jones* 5398——Observations on the evidence given by Dr. Madden with respect to hours of labour of negroes, *Burge* 3384–3405.

2. *Number of Hours' Labour required by Law of Apprentices.*

Nine hours is the utmost amount of labour to which the apprentices in Jamaica are subject in one day by compulsory process, *Rep. p.* vi——The Jamaica law contains no enactment to regulate the distribution of the hours which the apprentice is bound to give to his employer, *Rep. p.* vi.——Number fixed by the Imperial Act, *Jeremie* 121, *Miller* 3865, 3866——Instances of negroes having refused to work extra hours after the conclusion of their field labour, *Madden* 501–505——Apprentices would not work more than nine hours per day unless compensated for it, *Jones* 5516, 5517——No express clause to prohibit a negro from being worked more than 10 hours a day, *Beaumont* 4448——Number of hours consecutively negroes can be employed according to law, *Oldham* 4765

Hours of Labour—2. *Number of Hours required by Law of Apprentices*—continued.

——Number of hours witness has known apprentices to labour, exclusive of the time they are working for wages, *Oldham* 4789–4797. 4924–4928——Whether any legal question has been raised in Jamaica as to the right of a master to exact a greater quantity of labour than that allowed by law, *Oldham* 4779–4784——No predial labourer to perform more than 45 hours' work per week: In Barbadoes, *App. p.* 38—In the island of St. Vincent and its dependencies, *App. p.* 42——Number of hours apprentices are to work during the week in the island of Tobago, *App. p.* 61.

3. *Arrangement made with Apprentices on certain Estates as to the number of Hours they will work.*

Arrangement made with apprentices on Hyde Hall estate and Etingdon estate respecting the number of hours they were to work, *Shirley* 5036–5048. 5099–5106——Number of hours of labour apprentices are worked on certain estates, and remuneration they received, *Hall* 5816–5848—— Number thereof on property under witness's management, *Miller* 3577, *Shirley* 5037, *Jones* 5317–5319. 5508–5515——Apprentices are not worked longer than allowed by law on the estates managed by witness, *Miller* 3575, 3576——Further evidence relative to the number of hours' labour required of negroes, *Jones* 5508–5515——Number of hours negroes are employed during crop time, *Oldham* 4764–4768——Difference in the number of hours of labour required of apprentices during crop time now and formerly, *Shirley* 5146–5153——No apprentice compelled to work extra hours on property managed by witness without being paid wages for the extra labour, *Miller* 3576–3588——No instance of their being required to work 45 hours continuously without their own consent, *Miller* 3863–3865.

4. *Number of Hours Apprentices may be compelled to Work continuously.*

By combining the various clauses of the Jamaica Act, a manager, without committing any illegal act, may compel a labourer to work 42 hours in succession, *Jeremie* 115——Mode by which a labourer may be employed for 42 hours continuously, *Jeremie* 115. 125–130——Opinion that under the Jamaica law the employment of an apprentice for 42 hours successively would not be illegal, *Jeremie* 131–159——Negroes may be employed partly in field labour and partly in manufacturing labour for 45 hours in succession, provided the field labour does not exceed nine hours within 24, *Jeremie* 377–380——The negro having considerable time on his hands when he may work for wages, is counterbalanced by the fact that he may be employed for 45 hours in succession, *Jeremie* 422–426——Apprentices being required to work 45 hours continuously against their consent, would have met with the opprobrium of most people, *Miller* 3861–3875——It would be injurious to the interest of the owners to employ apprentices for 45 hours successively, *Burge* 3380–3382——It is impossible, according to the present system, to carry on any plantation unless the apprentice occasionally work 36 hours continuously, *Beaumont* 4056——Not the same motive to employ apprentices for a long time continuously now as there was previously to the Emancipation Act, *Miller* 3890–3895——Statement to show that in many cases continuous labour for 36 to 38 hours is required in the manufacture of sugar in Jamaica plantations, *Beaumont* 4350, 4351, *p.* 380, 381——Examination thereon, *Beaumont* 4352–4367. 4395–4399.

5. *Apportionment of extra hours imposed by way of Punishment.*

Evidence respecting the apportionment of the additional hours of labour being left to the manager, *Jeremie* 163–177——Instructions have been given to the special magistrates as to their power to apportion the extra time required of apprentices for neglecting their duty, *Grey* 5639, 5640. 5643——A negro that would apportion the share of his time which he had been adjudged to pay to his employer would be liable to punishment for disobedience, *Jeremie* 170–174——The measurement of time assigned as a punishment is quite arbitrary, and depends upon the proprietor, *Madden* 497–500——Instances in which extra labour has been distributed over the whole week, *Madden* 565–567——No case in which apprentices have been condemned to repay more than 15 hours a week, *Grey* 5644.

6. *Frauds practised on Apprentices as respects their Hours of Labour.*

Prevailing custom to curtail as much as possible the time of the apprentices, *Madden* 530–540——Previous to the 1st of August it was the subject of frequent complaint between the negroes and the drivers of being kept beyond their due time of work, *Madden* 558–564——Impunity with which apprentices may be deprived of large portions of their own time under colour of law, *Matthews* 1177——Evidence relative to the frauds practised on apprentices as regards their extra hours of labour, *Beaumont* 4379–4381. 4393. 4412–4425.

7. *Value of the extra Labour of Apprentices.*

Opinion that the negroe's own time is usually worth more than the value of the allowances, *Madden* 483, 484——Apprentices give their time for inadequate wages, and reason thereof, *Beaumont* 4368–4375 ——Great number of apprentices have assigned their extra time in consideration of having the usual allowances, *Beaumont* 4379–4381. 4393.

See also *Apprenticeship System*, V. *Pryce*, Mr. *Sligo*, Lord.

Houses of Apprentices. See *Furniture. Huts.*

Houses of Correction. Objects of the Act for making provisions for building gaols, houses of correction, &c., are directed principally to that part of the community in apprenticeship, *Jeremie* 1039–1042——Number of, in Jamaica, *Russell* 5207——Reports relative to places of confinement in Jamaica have in some instances stated they were in a very unsuitable condition, *Grey* 5629, 5630——Analysis of the Jamaica Acts for making further provisions for the building, repairing and regulating of houses of correction, &c. *App. p.* 32——Rules and regulations established by the Jamaica Act, compared with those of the English statutes, *App. p.* 32, 33——Letter from Lord Glenelg to the Marquis of Sligo, dated 18 November 1835, on the subject of prison discipline, as far as regards the colony of Jamaica, and requesting certain information thereon, *App. p.* 106, 107——Extract of a despatch from the Marquis of Sligo to Lord Glenelg, dated 5 March 1836, in answer to the above, *App. p.* 107–117——Number of houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same in the various parishes in Jamaica, *App. p.* 108——Comparative list of slaves and apprentices in the houses of correction in the island of Jamaica, antecedent and subsequent to the 1st August 1834, *App. p.* 163.

See also *Andrew's, St.*, Parish. *Ann's, St.*, Parish. *Apprentices*, 4. *Elizabeth, St.*, Parish. *Flogging*, III. 1. IV. *Free Persons. Middlesex County.*

Hudson, Mr. Was tried, convicted and sentenced to transportation, for offering negroes for sale which he had seized on board a foreign slave ship, *Burge* 5169.

Hulme, Mr. *J. R.* Condition of the provision grounds in his district, *App. p.* 194.

Huts. Negroes' houses are generally built as near the centre of all plantations as possible, *Miller* 3703——Distance of the huts of apprentices from their place of labour, *Jones* 5347–5351.——*See* also *Markets. Provision Grounds.*

Hyde Hall Estate. Experiment of giving negroes wages for adequate labour tried with success on this estate, *Miller* 3492——Situation of the negroes on this estate not so advantageous as those on estates under witness's management, *Miller* 3568–3571——In what the difference between the system of management pursued on this estate and that generally followed in Jamaica consists, *Shirley* 5092, 5093.

See also *Allowances*, 4. *Apprentices*, 5. *Hours of Labour*, 3. *Wages*, IV. 1.

I.

Identity. No instance of slaves denying their identity, *Beaumont* 4551–4553.

Idleness. One-fifth of the rising generation in Jamaica are brought up in idleness, *Jones* 5418.——*See* also *Children.*

Imperial Act. See *Apprentices*, 4. *Indulgences.*

Imprisonment. Absence from labour might be punished by imprisonment, *Jeremie* 92——The power of inflicting imprisonment is open to great abuse, *Jeremie* 373——Objection to the clause giving an undue power of imprisonment to the manager over the negro, *Jeremie* 426–432——Frequent instances of negroes being imprisoned about 24 hours without any charge being made against them; in cases of that description witness has caused them to prefer a complaint against and fined their owners, *Madden* 903–910——Summary power of imprisonment given to estate constables acting under the direction of the master or manager very objectionable, *Matthews* 1177.

See also *Apprenticeship*, 9. *Constables. Gaols. Houses of Correction. Workhouses.*

Indemnity. See *Absence from Labour. Magistrates*, II. 3.

Indictments. Number of indictments preferred to the grand jury of Surrey in 1835, against the supervisor of Kingston house of correction, *Ev. p.* 523, 524.

See also *Britton, Anthony. Mason*, Mr. *Nepean*, Sir *M. H.*

Indulgences. They have been very generally continued to the apprentice upon the larger properties in Jamaica, *Rep. p.* vi, *Grey* 5679——They have in many cases been withheld since the passing the Abolition Act, *Rep. p.* vi, *Grey* 5678——Certain indulgences granted to apprentices during slavery, for which there was no legal obligation on the part of proprietors to confer, *Grey* 5674–5681——No express provision made in the Imperial Act with respect to their allowance, *Grey* 5674——In a great majority of instances the indulgences have been given just as they were previously to the alteration of the system, *Grey* 5674——Opinion that they have only been withheld on small properties from the comparative inability of the proprietors to incur the same expense that the large proprietors can, *Grey* 5678.

Very injudicious to withdraw them, except in cases of misconduct, *Grey* 5677——Indulgences were in many cases withheld from the apprentices refusing to work for money or payment of any kind, *Oldham* 4654. 4657–4659——Nature of those granted to apprentices, *Oldham* 4656.——The granting them is made dependent upon the good conduct of apprentices, and their promise of working extra hours, *Oldham* 4664–4673——Proprietors of estates very willing to continue the usual "indulgences" to apprentices in cases where they were willing to work for hire, *Brown* 5693, 5694——The whole

Indulgences—continued.

system of indulgences operated as a stimulus to the good conduct of the negro population, *Burge* 2730——Are only given by way of encouragement, *Jones* 5352–5359——It has always been the practice to stop them for misconduct, *Oldham* 4681–4685——Were stopped for misconduct during slavery; the same practice prevails at present, *Jones* 5355, 5356.

See also *Battye*, Mr. *Females. Fish. Jobbing Gangs. Salt. Salt Fish. Shirley*, Mr.

Inspection of Gaols. See *Penalties. Magistrates*, II. 4.

Inspectors. The Act 5 & 6 Will. 4, c. 38, appoints inspectors for the purpose of visiting prisons in England, *Jeremie* 1043–1046.

Insurrection. No instance of insurrection has occurred since the abolition of slavery, *Grey* 5668, 5669.

Intellectual Improvements. The desire for moral and intellectual improvement among negroes is daily gaining ground, *Rep. p.* viii——Not many opportunities are afforded the negro for obtaining intellectual improvement, *Madden* 1001.

Intemperance. Penalty inflicted on apprentices for drunkenness is very severe, *Jeremie* 88.

Irish Emigrants. See *West India Colonies.*

J.

Jago, St., Gazette. Extract from the St. Jago Gazette of the 25th March 1836, containing the charge of the Lord Chief Justice of Jamaica in the case of the prosecution of the Trelawney supervisor, *Burge, p.* 317.

Jago, St., Magistrate of. Manner in which the magistrate of St. Jago showed his hostility to the negroes, *Beaumont* 4071–4075.

Jamaica. Greater part of the slave property there belongs to proprietors in England, *Oldrey* 2992——Not the least doubt that the estates in Jamaica will increase in value cent. per cent. before the expiration of apprenticeship if the Abolition and other Acts are amended, *Oldrey* 3133——Lands there will be decreased in value unless some alteration made in the existing laws of the island, *Oldrey* 3244, 3245——Party spirit runs higher in Jamaica than elsewhere, as regards the apprenticeship system, *Oldrey* 3138——Many free persons in Jamaica who live upon the wages or hire of slaves, *Beaumont* 4183——No negro could be landed in Jamaica without a previous report of his being on board a vessel, *Burge* 5169——No desire in Jamaica to evade the Slave Trade Abolition Acts, *Burge* 5169——Sum appropriated for the use of individuals in the island under the Act granting the loan to the different West India colonies, *Burge* 5518——Sum advanced under the Act granting a loan to the West India colonies on the credit of the island, *Burge* 5518.

Letter from Lord Glenelg to Lord Sligo, dated 18 November 1835, with certain queries relative to the prison discipline of this colony, *App. p.* 106, 107——Extract of a despatch from the Marquis of Sligo to Lord Glenelg, dated 5 March 1836, in answer thereto, *App. p.* 107–117——Circular of the Marquis of Sligo, dated 12 March 1836, to the special magistrates and the custodes of the island of Jamaica, relative to the classification of apprentices, *App. p.* 225–227——Circular of the Marquis of Sligo to the custodes of the island, dated 25 August 1835, relative to the adoption of the nine-hour system of labour, *App. p.* 227, 228——Instructions issued by the Marquis of Sligo to the special magistrates of this island, *App. p.* 229–237.

See also *Apprentices*, 7. *Clergy. Churches. Ebony. Eight-Hour System*, 1. *Fines. Food. Herrings. Houses of Correction. Land*, 1. *Magistrates*, II. 1. *Maintenance of Negroes. Medical Attendance. Negro Education. Nine-Hour System. Non-Resident Proprietors. Ploughs. Police. Poor Laws. Population. Quarter Sessions. Rebellion. Savings Banks. Schools. Silver Coins.*

Jamaica Acts. Want of reciprocity in the amount and application of the penalties inflicted under these Acts, *Rep. p.* iv.——No doubt it would have been better if a reciprocity of punishment as to offences committed by planters and apprentices had been introduced into the Act originally; no case has been proved to warrant an alteration in the law in that respect, *Grey* 5650–5652——General objection to the clauses in the Jamaica Acts with regard to order, discipline and punctuality, *Jeremie & Beldam* 80, 81——Throughout the first Jamaica Act, and the subsequent Acts, there is no clause which requires that the labourers should enjoy each day a certain number of hours continued repose, and evidence thereon, *Jeremie* 113–118——Summary of the most substantial objections which exist, in witness's opinion, against the Jamaica Acts, *Jeremie* 1121, 1122——Observations on the objections of Mr. Jeremie, and the evidence in support of those objections, *Burge* 2671–2758.

Observations on the 16th section of the first Jamaica Act, with reference to the 11th section of the Imperial Act, *Beldam* 1173–1175——Witnesses perfectly coincide in the objections made by Mr. Jeremie to the Jamaica laws, *Beldam* 1175, *Matthews* 1176——Statement of objections to the various Jamaica laws, *Matthews* 1177–1179——No enactment ought to be introduced in a Jamaica Act which has a reference to the past state of society, or a tendency to perpetuate it, *Grey* 5655, 5656——Under the Jamaica law it is possible to inflict more than one punishment for the same offence, *Grey* 5866.

Jamaica Acts—continued.

Observations on Abolition Acts, by Mr. Jeremie, *App. p.* 1–5——Analysis of Abolition Acts, by Mr. Beldam, *App. p.* 6–26——Amendments required to be made in Jamaica Act for the abolition of slavery, passed 12 December 1833, and the Act in aid of the same, passed 4 July 1834, for the well-working of the apprenticeship system, with important cases to elucidate and establish its necessity by Captain Oldrey, *App. p.* 248–252.

See also *Agents. Allowances*, 5. *Apprentices*, 4. *Battye*, Mr. *Cattle. Clergy. Clothing. Fees. Gaols. Gunpowder. Highway Laws. Oldrey*, Captain. *Planters. Provision Grounds*, 4. *Punishments*, 3. *Summonses. Vagrant Act. Wages*, 5.

Jamaica, Governor of. Has the power to remove magistrates refusing to agree to a fair and reasonable valuation of apprentices, *Burge* 2696–2706——Opinion that he has left no means untried to prevent a recurrence of female flogging, *Grey* 5555——Opinion that he had no authority to supersede the first trial of Mr. Mason by granting another, *Oldrey* 2953——Cases of excessive punishments cannot occur without coming under his notice, *Grey* 5866——Very little attention paid by governors to the complaints made by witness against planters, *Beaumont* 4045.

See also *Assembly, House of. Chains. Flogging*, III. 3. *Mason*, Mr. *Mason* v. *Oldrey. Mulgrave*, Lord. *Negro Education. Negroes. Nine-Hour System. Prosecutions. Provisions.*

James's, St., Parish. Return relative to the gaols or houses of correction in this parish, *App. p.* 107–117——Regulations for the gaol and workhouse of this parish, *App. p.* 124, 125——Summary of letters to Lord Sligo, in answer to a circular requiring reports upon the state of each district, the industry and conduct of the apprentices, the behaviour of the master, the state of cultivation, and the prospects of the ensuing crop, *App. p.* 139 ——Reports relative to the conduct of the apprentices; state of cultivation; prospects of the crop; and conduct of masters, for the quarter ending March 1836, *App. p.* 148, 149——Condition of the provision grounds in the several districts of this parish, *App. p.* 196, 197.

See also *Gaols. Houses of Correction. Provision Grounds.*

Jenkins, Mr. Prosecution instituted against him, and result thereof, *Russell* 5239——He was indicted for murder; special finding of the jury, *Grey* 5544.

Jeremie, John, and Beldam, Joseph. (Analysis of their Evidence.)—Conversant with the colonial system of labour and slavery from the year 1824 to 1834, 1–4——As regards the negro, apprenticeship is not necessary, but as regards commerce and other political questions, a gradual emancipation from slavery, to a system of freedom very useful, 5–18——Adequate provision for the protection of apprentices has not been made by the 16th clause of the Imperial Act, 24——Opinion that the clauses in the Jamaica Act in respect to compulsory discharge of apprentices are very defective, 25–29. 32——Mode of valuation pursued in St. Lucia, 37, 38——Apprentices being taken from the free class, there is always a tendency rather to enhance than diminish the price of negroes, 39–42——Difference in which the present mode of appraisement is worse than that provided for by the Jamaica Act, 43–47.

Previous to the abolition of slavery no negro could demand as a right his manumission, 48–50——System of appraisement in Jamaica is not worse than before, but worse than what it was intended to be rendered at the time the Imperial Act was framed, 51–54——Further evidence respecting the defective nature of the clause regarding the manumission of apprentices, 55–69——The negro would be the only person having the right to complain of the non-appointment of an agent, 66, 69——In the West Indies, where there is no agent, the negro is bound to give notice of his intention to a certain public officer who will represent the absentee, 70——An agent appointed subsequently to the Abolition Act would have no authority to act in an emergency created by the Act, 71–75——Whether the appraisement must be found by a majority or the whole three, 77–80——General objection to the clauses contained in the Jamaica Acts with regard to order, discipline and punctually, 80, 81.

[Second Examination.]—Objections entertained by witness to the Jamaica Acts relative to punishment, and evidence thereon, 82–88——Courts of common law, and to which apprentices must have recourse, are unwilling to inflict punishments against managers, 83——Great disproportion between punishments where the labourer or the manager happens to be the delinquent, 87–98——Objection to the manner in which penalties are to be applied, 87, 94——Apprentices should never have been required to do more than indemnify the proprietor for the loss incurred by his absence, 89, 90——Special magistrates ought not to have been entrusted with the discretion of adapting the time to be required from the apprentice to make good the loss inflicted on the owner, 93–98——There are cases in which granting exactly the same period to the master which has been lost by the apprentice would not be a full indemnification, 93.

Special magistrates may be removed at the discretion of the governor, 99, 100——Power of appeal to the governor in nine cases out of ten is rendered nugatory with respect to points of domestic and internal regulation, 101——Evidence respecting witness's objection to the penalty inflicted, as to endangering property by the careless use of fire, 106–112——Throughout the first Jamaica Act and the subsequent Act, there is no clause which requires that the labourers should enjoy each day a certain number of hours' con

Jeremie, John, and Beldam, Joseph. (Analysis of their Evidence.)—*continued.*

tinued repose, and evidence thereon, 113–118——West India planters founded their whole objection to the abolition of slavery on the necessity for the manufacture of sugar being carried on continuously, 119, 120. 124——Hours of labour fixed by the Imperial Act, 121——Apprentices prefer the nine to the eight hour system, 123——Mode by which a labourer may be employed for 42 hours continuously, 115–125, 130——Negroes could not be employed in field labour for that time, 126–128——Opinion that under the Jamaica law the employment of an apprentice for 42 hours successively would not be illegal, 131–159——Special magistrates have the power of inflicting the lash on the negro complaining of having been deprived of this natural rest by this continuous labour, 131.

Magistrates can only inflict additional labour; the manner in which it is to be apportioned remains with the manager, 133, 134——Though the magistrate might be liable to the censure of the governor for inflicting the lash, he would not be liable to any legal punishment, 135–140——Magistrates are bound to make returns to the governor of the punishments inflicted, and the cause for which inflicted, 145——There is not the same popular control over the acts of officers in public authority in Jamaica as there is in England, 160, 161——Further evidence respecting the apportionment of the additional hours of labour being left to the manager, 163–177——A negro that would apportion the share of his own time which he had been adjudged to pay to his employer would be liable to punishment for disobedience, 170–174——Reason why apprentices have not the power of inflicting serious injury to their employers by refusing to work for wages during extra hours, 175–180——Magistrates would not be liable to an action of damages for inflicting punishment on a negro for complaining of having been employed continuously 42 hours; but they would be liable if they convicted the master for having so employed him, 183–192.

By certain clauses of the Act in aid, special protection is afforded to magistrates in respect of actions brought against them while acting in the disgharge of their duty, 193–195——Special magistrates will never be completely protected so long as they remain liable to an action at all, and alterations suggested, 196–198——Suggestions for affording a sufficient remedy for the apprentices as regards the trial of intermediate officers without going to a jury, 199–202——Reason why justice cannot be obtained from colonial juries, 203–210——Special magistrates should be invested with power to punish managers, 211, 212——No provision made in the Abolition Act that special magistrates should not be slave-owners, 214–217——Evidence respecting the want of reciprocity in the infliction of fines, 219–228.

[Third Examination.] Negroes are in a worse position since the passing the Imperial Act than previously 228*——Allowances formerly granted to negroes while in slavery, which have since been withdrawn 228*–234——Opinion that the clause in the Jamaica Act relating to allowances to be granted to negroes, does not meet the intentions of the British Legislature, as set forth in the Imperial Act, 235–249——Very necessary that the negroes should have an allowance of animal food secured to them by law, 250–253. 267, 268——There is not more labour performed by a negro than is done by the agricultural labourer in Scotland, 255–257——Reason why the negro requires a stronger subsistence than the agricultural labourer of Scotland, 257. 262——It is a very great question whether, under the 11th clause of the Imperial Act, the whole of the allowances are not now due, 273–280——The Imperial Legislature have done all they possibly could to regulate the question of allowances, 282–308.

The Jamaica Legislature did not adhere to the letter of the British statute, but have, on the contrary, rather narrowed it, 296–298——It is admitted by the planters themselves, that there are allowances not comprised within the Jamaica Act which the negroes enjoyed anteriorly to the passing of it, 298——Letter of Jamaica Act may be easily evaded in all that relates to the provision grounds, 309. 333——Special magistrates have the power of deciding what is and what is not an adequate quantity of ground for the support of an apprentice, 321. 327–329——Masters have the option of providing maintenance or a sufficient quantity of ground, 330, 331——No reason why a minimum of land or a maximum of distance could not have been settled by the Jamaica Legislature, 334–340——Negroes under this Act may be deprived of some part of the provision grounds they have hitherto enjoyed, 341, 342——The Act in aid sanctions indirectly female flogging, thereby striking at the very spirit of the Imperial enactment, and evidence thereon, 343–359——Whipping free females is allowed in houses of correction and workhouses, under certain restrictions, 344—— Females violating an apprenticeship enactment, may be sent to workhouses, and they then become subject to its discipline, 344–349.

Power of the special magistrate with respect to awarding punishment is far too vague and too extensive, 353——Legislature paid no attention to the recommendation of the Governor to pass a law, prohibiting female flogging, 351. 358, 359——Some place of confinement under the control of the special magistrates alone, should be provided in every district for refractory apprentices, 354–356——Objection to the enactment by which special magistrates may remove apprentices forming themselves into a community, and reason therefor, 360——Special magistrates ought not to interfere in matters which have no immediate reference to the relation between manager and apprentice, though they have the jurisdiction, 360–372——Any restriction being placed on the will of the apprentice, unless on complaint of the manager, is very objectionable, 361–368——Insufficiency of the punishments awarded in the 49th section of the Jamaica Act against the manager, goes far to vitiate the effect of the whole Act, 374, 375.

Jeremie, John, and Beldam, Joseph. (Analysis of their Evidence.)—*continued.*

[Fourth Examination.] Nature and extent of witness's objection to the 49th section of the Jamaica Act, respecting penalties, 376——Negroes may be employed partly in field labour and partly in manufacturing labour, for 45 hours in succession, provided the field labour does not exceed nine hours within 24, 377–380——Sufficient provision is not made for providing apprentices with food, clothing, lodging, &c. by the clause in the Imperial Act, 390–394——Where clothing is not furnished, special justices under the 19th section of the Jamaica Act have the power of levying a penalty: but they cannot overrule the certificate of a vestry that proper clothing has been furnished, if such certificate is produced to them, 395–412——Very great objection to matters of clothing, food and medicine, being dependant upon the pleasure of any one individual, who could change the allowances from those of his predecessor, and thus alter the whole regime and management of an estate, 414–418.

Opinion that the whole of the laws relating to apprenticeship are, with certain exceptions, nothing more than slavery under another name, 419–421——The negro having considerable time on his hands when he may work for wages, is counterbalanced by the fact that he may be employed for 45 hours in succession, 422–426——Objection to the clause giving an undue power of imprisonment to the manager over the negro, 426–432——Considerable improvements have taken place, comparing apprenticeship with the former state of slavery; but in carrying out the Act of the British Legislature, adequate improvements have not been made, 433–439——Practical condition of the negro depends in a great measure, on his legal condition, 441——Magistrates have no adequate authority to render the negro state superior to that which existed whilst he was in slavery, 442–445.

[Fifth Examination.] Objects of the Act for making provisions for building, &c. gaols, houses of correction, &c. are directed principally to that part of the community in apprenticeship, 1039–1042——Objection to the power conferred on magistrates by that Act for framing additional regulations for the conduct of prisons, &c. 1042–1047——Act of 5 & 6 Will. IV, c. 38, appoints inspectors for the purpose of visiting persons in England, 1043–1046——Period when Jamaica Act is made to expire, and evidence thereon, 1048–1052——Apprenticing Act in aid enables the special justices to commit apprentices offending against the discipline of estates, to the common goal or house of correction, 1054, 1055——Necessity for inquiry as to whose jurisdiction they will remain under while there, 1055, 1056——Witness objects to the apprentice being withdrawn from the jurisdiction of the special magistrate, in any case where the original offence is purely of a domestic nature, 1056–1061——Keepers of goals are nominated by the Mayor of Kingston, and therefore entirely in the power of colonial magistrates, 1064.

Keepers of prisons allowed to hear complaints, contrary to the rules of the prisons, whose decision is to be confirmed in writing by the visiting justices, 1065——Justices are empowered to order personal correction in certain cases of repeated disobedience to prison discipline, 1066–1069——By the law of Jamaica, the punishment of flogging can be inflicted on felons, 1069——The same protection should be given to apprentices in the houses of correction, as is given them upon the estate, 1085–1088——Special magistrates should be compelled to visit the goals in which apprentices are confined, 1089——Magistrates have entrusted the power of inflicting corporal punishment illegally to their subordinates, 1090–1093——The apprentice has no civil remedy; the master may be fined, but the wages will not be forthcoming to the apprentice, 1095——Objections to certain clauses contained in an Act to enlarge the powers of justices in determining complaints between masters and servants, &c.; also an Act to register fire-arms and to enforce the several laws relating to arms and gunpowder, and for the protection of property, 1096–1120——Summary of the most substantial objections which exist, in witness's opinion, against the Jamaica Act, 1121, 1122.

[Sixth Examination.] The permanent police, and every constable or other person knowing an apprentice to be a runaway, has a right to arrest him, 1154–1165——Apprentices should be placed on an equal footing with other parties, in all cases not immediately affecting his situation as an apprentice, 1166–1172.

[Seventh Examination.] The Act in aid contained improvements on the previous Jamaica Acts, 2656——Whether the passing the Act in aid was made the condition of of the colony entitling itself to receive its share of compensation, 2658——Without vigilant superintendence the West Indies will, in a very short space of time, relapse into most of the abuses of slavery, 2664——Whether the Jamaica planters would not have been perfectly safe in receiving the compensation money, if they had not passed the Act in aid, 2665–2668——Comparative value of slave and apprenticeship labour, 2668.

Jeremie and Beldam, Messrs. Observations on the objections made by them to the Jamaica Acts, and the evidence given by them in support of those objections, *Burge* 2671–2758.

Jeremie, Mr. His observations on the Jamaica Acts, *App. p.* 1–5.
See also *Families,* Separation of. *Jamaica Acts.*

Jobbing Gangs. They are subject to more hardships than any other class of negroes, *Madden* 854——They are insufficiently provided with food in consequence of not being able to cultivate their grounds, *Madden* 854——Whether they receive indulgences as well

Jobbing Gangs—continued.

well as allowances, *Oldham* 4678——Are employed by witness on Saturday, and supposed sum paid them as wages, *Oldham* 4896. 4900. 4902. 4910–4915, 4916——Whether witness finds it necessary to employ jobbers to a greater extent since the apprenticeship commenced than formerly, *Jones* 5369–5378——Average wages given them formerly, *Brown* 5712.——*See* also *Wages*, IV. 3.

"*John Canoeing.*" Less John Canoeing, and its barbarous accompaniments, this than any previous year, *Grey* 5522, *p.* 461.

Johnston, Susan. Complaint made by her of want of medical attendance; she was one of Mr. Mason's negroes, *Oldrey* 2894.

John's, St., Parish. Summary of letter addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry of the apprentices, behaviour of the masters, state of cultivation, and prospect of the ensuing crop, *App. p.* 142——Abstract of report, relative to the conduct of the apprentices, state of cultivation, prospects of the crop, and conduct of the masters, for the quarter ending in March 1836, *App. p.* 153——Report from the special magistrate of this parish on the present state of the apprentices' grounds, and comparative cultivation of them with that previous to August 1834, *App. p.* 210.

Jones, Maurice. (Analysis of his Evidence.)—Proprietor of several estates in Jamaica, and custos of the parish of Portland, 5308, 5309——Situation of Portland, 5311——Length of time witness has resided there, 5312–5314——Opinion as to the general working of the apprenticeship system, 5315——Evidence respecting the plan adopted by witness for employing the people on his estate, and wages paid them, 5316–5321——Whether the eight or nine hour system of labour is most in use on estates, 5324–5341——Negroes have not to travel above three quarters of a mile from their huts on the property belonging to witness, 5347–5351——Allowances are given the same as under the old slave law; indulgences are given by way of encouragement, 5352–5359.

Great competition among negroes to be employed during dinner time, 5363–5368——Witness has abandoned the cultivation of one-third of his land; sum paid by him for jobbing labour previous to the apprenticeship system, 5369–5378——Proportion of sugar raised on witness's property now and formerly, 5379–5383——Further evidence as to witness abandoning the cultivation of part of his property, 5384–5398——Negroes do more work in their own time than when working for their master; they work with greater alacrity, 5399–5412——Apprentices did not understand the system at first; they are very well satisfied now, 5413–5417——Opinion that at the expiration of the apprenticeship they will refuse to work for wages; young children are not properly educated; very few of the children who were free on the 1st of August are now in employment, 5418–5424.

There are no schools on witness's property; children will, no doubt, from their novelty, resort to them on their establishment, 5425–5438——Necessity for some legislative enactment to compel parents to employ their children, 5454–5458. 5472. 5474——No instance of children being apprenticed by their parents, though they cannot maintain them, 5462–5469——Evidence respecting the depreciated value of property in Jamaica, and supposed causes thereof, 5478–5502——No doubt that its value has increased; there are but few sales at present, 5489. 5493–5502——Apprentices belonging to witness never work at night, 5508–5510——It has been decided that no master can work his apprentice more than nine hours, 5512–5515——Apprentices would not work, if directed so to do, more than nine hours per day, 3516, 5517.

Jones, Mr. *Morris.* Sum given by him about thirty years since for his two estates, and sum for which they were offered to witness, *Oldham* 4849–4851.

Jones, Mr. *T. W.* Report by him respecting the state and cultivation of provision grounds within his district, 2d March 1836, *App. p.* 214, 215.

Judges. There is no legal qualification necessary for a judge in Jamaica, *Madden* 789——The present constitution of the bench in Jamaica does not afford full confidence in the decisions, *Grey* 5627——Those of the court of assize were highly prejudiced against special magistrates generally, *Madden* 785.——*See* also *Salaries.*

Jurisdiction of Magistrates. See *Punishments*, 3.

Juries Nothing to be expected from Jamaica juries in actions against a white man, *Madden* 454–460——Great reason to distrust the impartiality of juries in Jamaica as at present constituted, *Grey* 5628.

Justice, Administration of. Apprentices have no adequate means of enforcing the law in any case against the manager, except by having recourse to the common law, *Jeremie* 376——Opinion that the judges of the court of assize are highly prejudiced against special magistrates generally, *Madden* 784–786——Would be greatly promoted if the Jamaica laws had provided proper forms of summonses, warrants, &c., *Matthews* 1177——It would be very great improvement in the administration of the criminal and civil jurisdiction of the supreme and assize courts if they were more assimilated to the courts of

Justice, Administration of—*continued.*

of nisi prius in England, *Burge* 3410——No fault to be found with decisions in criminal cases, though sometimes there were defects in civil cases, *Burge* 3413, 3414——Alteration in the mode of administering justice in the colonies decidedly necessary, *Oldrey* 3038–3041.

Its administration should be placed in the hands of persons free from local bias, &c., from any prepossessions which may affect their decisions, *Grey* 5627——The administration of the law in the West Indies at present is not generally in that state that it ought to be, *Grey* 5627——Opinion that two-thirds of the law was administered by special magistrates appointed by the governor of the colony, *Beaumont* 4099–4106. 4111–4119——Whether justice will be satisfactorily administered by the local magistrate after the termination of the apprenticeship, *Beaumont* 4298–4300——Observation on the constitution of the courts of justice in Jamaica, *Burge* 3384–3405——In all cases where slavery is not directly interested, the juries are extremely good, and justice is fairly administered, *Beaumont* 4299.

K.

Kelly, Mr. Extract of a letter from him to Lord Sligo, stating that Mr. Davis did not order corporal punishment to be inflicted on females in the Falmouth house of correction, *Grey* 5548——Extract from his report of the condition of the negro grounds in his district, to 29th February and the 7th March 1836, *App. p.* 195.

Kent, Mr. *H.* State of the negro grounds at Port Royal Mountains and the upper part of St. David's within his district, on 1 March 1836, *App. p.* 215, 216.

Kingston Parish:

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally:*

Applications from negroes in Kingston to purchase their discharge were innumerable; course taken to adjudicate in such cases, *Madden* 636–640——All members of the corporation of Kingston belong to the magistracy, *Madden* 453. *p.* 50, 827——Complaints of legal clothing being withheld by proprietors of estates in Kingston very common, *Madden* 895–899——There is no sugar plantation in this parish, *Madden* 1011——Greater part of the planters and proprietors there are opposed to the present system of apprenticeship, *Oldrey* 3164——Witness has seen females working in chains in the public streets of Kingston, *Oldham* 4611–4613——Instance of a female being flogged in the workhouse of this parish, *Russell* 5203——Names of the grand jury for August 1835, Surrey assize court, *Ev. p.* 523, 524.

2. *Papers laid before the Committee:*

Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Rules for the government of the county gaol in Kingston, *App. p.* 130, 131——Rules for the government of the house of correction and asylum there, *App. p.* 131–133——Report from special magistrates of this parish, relating to the conduct and industry of the apprentices, the state of cultivation, the prospect of the crop, and the conduct of the masters in their respective districts, for the quarter ending in March 1836, *App. p.* 157.

See also *Apprentices*, 7. *Flogging*, IV. *Magistrates*, I. 2. *Sabbath Day. Treadmills. Union School.*

Kingston Chronicle. It has a considerable circulation, *Madden* 803——Evidence respecting the letter published in this paper, describing the special magistrates as tyrants, &c., *Madden* 793–808.——*See* also *Magistrates*, II. 1.

Kitts, St. Observations on the several Acts passed for the government of this colony, *App. p.* 72–74.——*See* also *Assaults. Vagrant Act.*

L.

Labour. That performed by the apprentice during his own time much more effective than that given to his employer during the period he is compelled to work as an apprentice, *Rep. p.* viii——Apprentices do not perform so much work in the time of the master as they do in their own time, *Jones* 5399–5412——Negroes do more work when they are satisfied with the hours of labour, *Oldham* 4769–4778——Opinion that negroes do as much now in the day-time, when working for their masters, as they did during slavery; but when working for themselves a great deal more, *Oldham* 4873, 4874. 4876–4886——Apprentices when working for themselves require no compulsion, they turn out earlier and work later, *Jones* 5410——There is not more labour performed by a negro than is done by the agricultural labourer in Scotland, *Jeremie* 255–257.

The certificate of the medical man to the estate ought not in all cases to satisfy the magistrates as to the fitness or unfitness of the person complained of being able to undertake

Labour—continued.

take their usual labour, *Madden* 757–760——It is a very common assertion of the attornies that the merchant at home expects large returns as a means of obtaining additional labour, *Madden* 1032–1034——Average value of the labour of a domestic negro for four years, and evidence thereon, *Madden* 706–721. 724–726——Comparative value of slave and apprenticeship labour, *Jeremie* 2668——Want of labour caused a deficiency of crops in Jamaica during the last two years, *Miller* 3596.

The supply of labour on every estate is confined to its own apprentices, *Shirley* 5070——Very doubtful whether, in case of an abundant crop, there would be an adequate supply of labour if proper wages were offered, *Miller* 3605——Negroes of Jamaica have not the same inducement to work as in other countries, *Miller* 3484–3487——There is no competition for labour in Jamaica, *Beaumont* 4374——The same quantity of work done now as previous to the apprenticeship system, *Shirley* 5073–5075——Analysis of the Act for regulating the conduct and to fix the value of the labour of persons acting as porters and labourers in the island of Tobago, and observations thereon, *App. p.* 76.

See also *Maroons. Monopoly.*

Labourers. Comparison between the condition of labourers in Scotland and that of the negro in Jamaica, *Jeremie* 258.——*See* also *Animal Food. Prædial Labourers.*

Laidlaw, Mr. *Henry.* Reports from him on the state of the negro grounds in the Moneague and Pedro's district of St. Anns, *App. p.* 204.

Land:

1. *Generally.*
2. *Increase or Decrease in the Value of Land in Jamaica.*

1. *Generally:*

A great quantity of unoccupied land in the central part of Jamaica, *Madden* 870——Allowing negroes to purchase at a fair rate whatever land they wanted to occupy, would overcome the opinion entertained by them of being at liberty to settle in any unoccupied land, *Madden* 870–874——Negroes are not confined to any particular quantity of land; they take what they are capable of cultivating, *Miller* 3704——Great inequality of land in Jamaica, *Burge* 2837–2839——Negroes have more time now than formerly to cultivate their land, the produce of which they take to market, *Oldrey* 3123——The details of any measure for the sale of lands in Jamaica are as yet incomplete, and no law has been passed upon the subject, *Grey* 5661, 5662.

2. *Increase or Decrease in the Value of Land in Jamaica:*

In Jamaica has increased 25 per cent. since the passing the Emancipation Act, *Beaumont* 4561–4570——In Jamaica is of higher value than it was before the Emancipation Bill, in consequence of the advance in the price of produce, *Oldham* 4843——No doubt that property in Jamaica was much more valuable 20 or 30 years ago than at present, *Grey* 5666——Witness would not give more than four years' purchase for property in the West Indies, *Oldham* 4840–4845. 4969, 4970——Great depreciation in the value of property shortly previous to the emancipation taking place, *Miller* 3747–3810, *Jones* 5477–5502—— The value of estates has been decreasing since 1823, *Oldham* 4846–4848.
See also *Trinidad.*

Legal Allowances. See *Allowances*, 1. 3.

Legislative Interference. Necessity for some legislative enactment to compel parents to bring up their children in industrious habits, *Jones* 5454–5458. 5471–5474——The interference of the Home Government ought to be invoked in cases of necessity; but its interference without such necessity would tend very much to interrupt the course of improvement at present going on, *Grey* 5650——Opinion that the Home Government should not pass any laws which are not to take effect till after the expiration of the apprenticeship, and reason for that opinion, *Grey* 5651, 5652——No distinction should be made in the principle of legislation as to whether the law was for the negro or the labourer in England, *Grey* 5653–5657.

Lennox Estate. Machinery has been introduced in the cultivation of sugar on this estate, *Oldham* 4965.

Lloyd, Mr. *S.* Letter from him to Lord Sligo, dated 8 March 1836, on the subject of the provision grounds belonging to apprentices on the respective properties in his district, *App. p.* 206.

Loaders. Wages of, at Seven Rivers in 1835, *Miller* 3556.

Loans. Sum advanced to individuals on their estates in Jamaica, *Burge* 5518.
See also *Jamaica.*

Local Magistrates. See *Appraisement of Negroes*, 1. *Magistrates*, I. 2, *Supreme Court.*

Long, Mr. Has been at some trouble to ascertain the opinions of the black population on the subject of apprenticeship, &c., *Beaumont* 4410.

Lost Time. No instance in which an apprentice has been condemned to repay more than 15 hours per week for lost time, *Grey* 5644——Returns of the number of hours forfeited are made to the Governor of Jamaica in the same manner as those of the number of lashes inflicted, *Grey* 5646.
See also *Absence from Labour. Females.*

Lower Clarendon. See *Apprentices*, 5. *Herrings.*

Lucia, St. Mode of valuation pursued there, *Jeremie* 37, 38——Regulation in this island that every negro should have 10 hours repose was very much opposed by the planters, *Jeremie* 124.

Lushington, Sir *Henry.* Preparations made on his estate for the emancipation of negroes attended with beneficial results, *Madden* 1024.

Luxuries. Negroes are fond of everything in the nature of a luxury that they can get, *Miller* 3488.

Lyon, Mr. Became very unpopular with the planters of St. Thomas-in-the-East for diminishing punishments, *Beaumont* 4082——Found no difficulty in making arrangements with negroes as to wages; but in general the managers and proprietors were unreasonable, *Beaumont* 4415——On his first appointment as a magistrate was very much disliked; he was not severe enough, *Beaumont* 4483——Whether the expenses incurred by him while attending a committee of the House of Assembly have been reimbursed him, *Burge* 5898–5903.

M.

M'Cleod, Mr. Period of his removal from Westmoreland to St. Dorothy's as a magistrate, *Beaumont* 4013.

Macleod, Mr. *Alexander N.* Letter from him to Lord Sligo, dated 2 March 1836, on the state of the provision grounds of the apprentices within his district, *App. p.* 206——Also a letter from the same to the same, dated 9 March 1836, relative to the conduct of the apprentices at Bushy Park, and penalty inflicted on them, *App. p.* 206.
See also *Dorothy*, Parish of.

MacNeel, Mr. Account of the total produce made on 12 sugar estates; the quantity of produce made by the apprentices in their own time, and amount paid for same; also an account of other labour performed by the apprentices during the progress of the crop 1835, *App. p.* 228.

Machinery. The introduction of machinery since the apprenticeship has caused an increase in the expenses of the planter, *Oldham* 4932–4935——The introduction of, in the cultivation of sugar would be of great advantage, *Oldham* 4936–4939——Its use is becoming more general now than during slavery, *Oldham* 4965–4967.
See also *Lennox Estate. Steam Engines. Sugar.*

Madden, Richard Robert, M.D. (Analysis of his Evidence.)—Special magistrate of Jamaica, 446–451——Letter from Dr. Madden to R. W. Hay, esq, dated 14 March 1835, transmitting observations on the working of the Bill for the Abolition of Slavery in the West Indies, 453, *p.* 49——Nothing to be expected from Jamaica juries against a white man, 454–460——In some instances the allowances which had been withheld have been granted, 461–463——Opinion of the attorney-general as to the negroes being entitled by law to the customary allowances, 464–466——Opinion of Mr. Batty on the same subject is at variance with the one given by the attorney-general, 468–470——Reasons why there is no essential difference between apprenticeship and slavery, 471–474——Negroes have been obliged to sacrifice the assigned time in order to procure the accustomed necessaries, 475–480.
Opinion that the negroes own time is usually worth more than the value of the allowances, 483, 484——Difference between the nine-hour and eight-hour system productive of very great disputes in the colony, 485–493——The measurement of time assigned as a punishment is quite arbitrary, and depends upon the proprietor, 497–500——Instances of negroes having refused to work extra hours after the conclusion of their field labour, 501–505——Cause of the late rebellion in Jamaica was the withdrawal of certain holidays, 506–509——From the great distance of the provision grounds from their huts and the markets, negroes are unable to cultivate their grounds to advantage, 510–515——Evil of the eight-hour system; generally acted on in Jamaica, 516–524. 531–540——Prevailing custom to curtail as much as possible the time of the apprentices, 530–540——Negroes never go to their provision grounds after six at night, 543–547.
Distance of the provision grounds from the estates in the parish of Saint Andrew, 553. 554——A common case for provision grounds be 25 miles from any markets, 555–557——Previous to the 1st of August it was the subject of frequent complaint between the negroes and the drivers of being kept beyond their due time of work, 558–564——Instances in which extra labour has been distributed over the whole week, 565–567——Distance of the provision grounds from the estate of Dr. Spalding, which caused the negroes to apply for redress; steps taken to remedy the complaints, 568–582——Motives

Madden, Richard Robert, M. D. (Analysis of his Evidence)—*continued.*

of proprietors in discontinuing the allowance of nurses to negroes in the field is to exact more time than the law allows, 589–593——Opinion that the eight-hour system was adopted not on account of its advantages to the estate above what the nine-hour system would afford, but for the sake of a vexatious opposition to the apprenticeship system, 594–599——Female negroes obliged to take their children with them when working in the fields, 600–604.

[Second Examination.]—Class of persons usually selected as hot-house doctors; manner they are paid; with whom their appointment rests, 605–610——Medical attendance on estates not sufficient, 611–614——Nature of the discipline and punishment in use at the hot-houses, and evidence thereon, 615–619——Negroes will put up with every inconvenience during sickness rather than go to the hot-houses, 620–622. 625——Further evidence as to the inefficiency of the medical attendance on the different estates in Jamaica, 629–635——Applications from negroes in Kingston to purchase their discharge were innumerable; course taken to adjudicate in such cases, 636–640——Only in cases of refusal or unwillingness of masters that an apprentice has a right to apply to a magistrate, 642–647——Great number of cases of apprentices who have applied for their discharge being illegally detained in slavery, 648–652.

Opinion among the lawyers of Jamaica that a magistrate had no right to establish the claim of an apprentice to his freedom by any defect in the title of his master, 651–658. 665–670——Vast number of apprentices in Kingston not duly registered, 671–691——Considerable difficulties in the way of the negro establishing his right of freedom, 692, 693——Proportion of those who failed in obtaining their discharge much greater than those who obtained it, and causes to which attributable, 701–705——Average value of the labour of a domestic negro for four years, and evidence thereon, 706–721. 724–726——Services of apprentices transferred by sale previous to August at merely the expected amount of the compensation, 722–728——Great many more negroes would have been manumitted if witness had acted alone in the appraisement of them; difference between witness's valuation and that of the local magistrates, 729–741.

Frequent cases of negro apprentices being accused of shamming sick, when in point of fact they have been very unwell, 742–751. 755, 756——The certificate of the medical man to the estate ought not in all cases to satisfy the magistrates as to the fitness or unfitness of the person complained being able to undertake their usual labour, 757–760——Medical men in Jamaica have too many negroes to attend to, and they are insufficiently paid, 761–765——Sufficient number of special magistrates in Jamaica to attend to all the complaints of the negroes, if they had a proper protection from the colonial judicatures, 770–783——Opinion that the judges of the courts of assize are highly prejudiced against special magistrates generally, 784–786——Examination relative to a letter inserted in the Kingston Chronicle against the magistrates of Jamaica and the British Government, and means possessed by the inhabitants to redress themselves, 793–815——Evidence respecting the duty of a special magistrate; they hold petty sessions once a week either at their own houses or some public station, 816–821.

The frequency of the petty sessions affords a sufficient opportunity for apprentices to make complaints against their masters, 822, 823——Complaints frequently withheld from the apprehension of not having justice done, 824, 825——In Kingston all members of the corporation belong to the magistracy, 827——Class of life and occupation of local magistrates in Kingston, 830–832——Never knew an instance of a negro refusing to work for wages where they had not some grievance to complain of, 835–837——Apprentices cannot be removed from one property to another without the consent of two special justices, 847–854——Negroes are quite qualified for their immediate freedom, 855——Measures to be adopted to prevent riot or rebellion in case of their being emancipated, and evidence thereon, 856–869——General opinion among negroes that they may settle on any unoccupied land; allowing persons to purchase at a fair rate whatever land they wanted to occupy, would overcome that difficulty, 870–874.

The alteration of the law from slavery into qualified freedom has very much altered the scale of punishment, 875–884——Owners of negroes have no power to discontinue legal allowances; nature of those allowances, 885–889——Extent of allowances made to negroes during their slavery which were discontinued after the passing the Act, but have since been allowed for the purpose of obtaining additional labour from the negroes, 890–894——Complaints of withholding legal clothing very common in Kingston, and steps taken to enforce its being given, 895–899——Frequent instances of negroes being imprisoned above 24 hours without any charge being made against them; in cases of that description witness has caused them to prefer a complaint against, and fined their owners, 903–910——Offences for which flogging may be administered, 911–913——Witness has heard of female apprentices being flogged in workhouses, but it is illegal, 920. 938–940——There is no law which sanctions the flogging of female apprentices, 922–925.

If an apprentice has been unjustly flogged by order of a special magistrate, his only remedy is going before another special magistrate and complain, 927–932——Magistrate removed from his situation on the complaint of a negro, 933–935. 946, 947——There has been no public notification to the negro population of the readiness of the governor to receive their petitions, 948–950——All complaints to be made in the first instance to special justices, and failing there, appeal to be had to the governor, 953–955——Negroes have great difficulty in establishing their charges from their inability to procure

Madden, Richard Robert, M. D. (Analysis of his Evidence)—*continued.*

procure witnesses, while the planter can command all the witnesses he finds necessary, 956–961——Magistrates are not upon oath in cases of applications for valuation of apprentices, neither do they in all cases adjudicate upon a statement taken on oath, 970–973——General bias among special magistrates in favour of the owner of negroes, 974–979, 995–997——Owners have the power of prolonging the apprenticeship beyond 1840 for very trifling offences, 980–986. 998–991.

The difference between the negro in slavery and apprenticeship is to be found in the integrity and impartiality of the special magistrates, 992–1000——Special magistrates in Jamaica were desirous of affording adequate protection to the negro, 994——The negro is not inferior to the white man either in intellectual or moral capacity, 1001, 1002——Beneficial effects of the intercourse between missionaries and negro population, 1003–1008——Further evidence regarding witness's opinion on the working of the Apprenticeship Bill, 1015–1019——On some estates provision was made previous to 1st August to prepare the way for the emancipation of the negroes, and beneficial results to those estates, 1022–1025——Constitution of the House of Assembly must be altered by an enlargement of the elective franchise, 1026——Estates under the management of attorneys are those upon which the most opposition will be given to the working of the new system, 1027–1030——It is a very common assertion of the attorneys, that the merchant at home expects large returns as a means of obtaining additional labour, 1032–1034——Letter of instructions sent to witness as to the discharge of his duty by Lord Sligo, dated 15 July 1834, 1036–1038, *p.* 84, 85——Letter from R. G. Nunes, secretary to Lord Sligo, on the subject of habitual runaways, &c., *p.* 85.

Madden, Dr. Letter from him to R. W. Hay, esq., dated 14 March 1835, transmitting observations on the working of the Bill for the Abolition of Slavery in the West Indies, *Madden* 453, *p.* 49——Opinion formed by him as to the annual value of the negro is very erroneous and imperfect, *Burge* 2671——Valuations made upon his principle would be clearly wrong; they are too low, *Burge* 2704——Did not inflict corporal punishment on the apprentices in Kingston so frequently as his successor did, *Oldrey* 3080——Was not very well liked by the planters of Kingston; he threw up his commission in disgust, *Oldrey* 3080.——*See* also *Flogging*, IV.

MAGISTRATES:

I. *Local Magistrates.*

1. Class of Persons from whom they were originally selected.
2. Appointment of Special Magistrates to act as Local Magistrates.

II. *Special Magistrates.*

1. Generally; their Duties, Character and Conduct.
2. Powers possessed by them, and objections thereto.
3. Powers with which they should be intrusted.
4. Want of Protection for and Protection to be afforded them.
5. Character and Conduct of those sent from England.

III. *Stipendiary Magistrates, and their interest in Apprenticed Labour.*

IV. *Papers laid before the Committee.*

I. *Local Magistrates:*

1. Class of persons from whom they were originally selected:

From the present constitution of the local magistracy of Jamaica, opposition to the apprenticeship system must be expected, *Madden* 453, *p.* 50——Great number of them feel themselves injured by the appointment of the special justices, and their influence is exerted successfully to oppose them, and render the negro discontented, *Madden* 453, *p.* 50——Class of life and occupation of local magistrates in Kingston, *Madden* 830–832——Are, from the absence of the extensive proprietors of estates, chosen from the body of attorneys, *Madden* 453, *p.* 50——Great many of them, though averse to the apprenticeship system, might, as far as humanity, &c. is concerned, be entrusted with the administration of the new law, *Madden* 453, *p.* 50.

2. Appointment of Special Magistrates to act as Local Magistrates:

Greater part of them are appointed local magistrates as well, *Oldrey* 3113, 3114——They are now generally appointed local magistrates from the irregularities which have been committed in workhouses, *Oldrey* 3113, 3114. 3216–3218, *Grey* 5502, *p.* 462, *Ev.* 5522——There is no objection to their being made local magistrates, *Burge* 3288——Nearly all of them have received local commissions for the better protection of the negro, *Gray* 5502, *p.* 462——Period when local commission first granted to them, *Grey* 5524, 5525.

II. *Special Magistrates:*

1. Generally; their Duties, Character and Conduct.

Evidence respecting the duty of a special magistrate; they hold petty sessions once a week, either at their own houses or some public station, *Madden* 816–821——Were

Magistrates—II. *Special Magistrates*—1. Generally, &c.—*continued.*

appointed for the purpose of maintaining discipline and order, and supporting the rights of the manager on the one hand and the slave on the other, *Jeremie* 87——They are bound to make returns to the governor of the punishment inflicted, and the cause for which inflicted *Jeremie* 145——In all arrangements made by them between planters and apprentices with regard to surplus time, the interest of the apprentice is sacrificed, *Beaumont* 3994–4001——Whether special magistrates lent themselves as parties to the various frauds practised on the negroes by the proprietors and managers of estates, *Beaumont* 4064–4066——The returns of the special magistrates would be the best evidence as to the agreement made with an apprentice, but not as to the time he really worked, *Beaumont* 4422——Would have to interest in falsifying returns with respect to agreements for wages, *Beaumont* 4423–4425.

General bias among them in favour of the owner of negroes, *Madden* 974–979. 995–997——Have, in witness's opinion, endeavoured by every possible means to prevent complaints being made to them, *Beaumont* 4089——Those in Jamaica were desirous of affording adequate protection to the negro, *Madden* 994——With certain exceptions are disposed to give the negro the full benefit of the apprenticeship system, *Oldrey* 3140——Some few of them manifested a desire to administer the law impartially, *Beaumont* 4464–4467——Their conduct is closely scrutinized, *Oldrey* 3027–3030——Those who punished with the greatest severity were the greatest favourites with the planters, *Oldrey* 3072.

The conduct of special magistrates has, in witness's opinion, been worse since than before he left the colony, *Beaumont* 4001——Great number of those appointed ought never to have had entrusted to them the extensive powers created by the Emancipation Act, *Beaumont* 3990——Frequent instances of men without character and of bad conduct being appointed as special magistrates, *Beaumont* 4098–4101——Several complaints made of magistrates acting with undue severity towards negroes, *Oldrey* 3054–3068——They were too severe in their punishments on the first introduction of the Emancipation Act, *Oldham* 4584–4596——Instance of a magistrate having been removed from his situation on the complaint of a negro, *Madden* 933–935. 946, 947——Very few men competent to undertake the duties of a special magistrate resident in the colony, who would accept the stipend allowed, *Beaumont* 3990.

Impossible to find a sufficient number of persons in Jamaica to undertake the duties of special magistrates; a better selection might have been made, *Beaumont* 4234–4239——Salary of magistrates is not sufficient to induce persons of character and respectability to undertake the office, *Beaumont* 4250–4255——Their salary not equal to that of the manager of an estate, *Beaumont* 4253–4254——The difference between the negro in slavery and apprenticeship is to be found in the integrity and impartiality of the special magistrate, *Madden* 992–1000——Letter of instructions sent them as to the discharge of their duties by Lord Sligo, dated 15 July 1834, *Madden* 1036–1038. p. 84, 85——Instructions given by Lord Sligo relative to their duties, and evidence thereon, *Grey* 5522–5523——There is not the same popular controul over the acts of officers in public authority in Jamaica as there is in England, *Jeremie* 160–161——Distinction between the dismissal of the Jamaica magistrate and the magistrate here, *Jeremie* 162.

Number of those in Jamaica, *Brown* 5734——Number of them was very inadequate when the apprenticeship system first came into operation, *Grey* 5636——They may be removed at the discretion of the governor, *Jeremie* 99–100——Great reluctance on the part of the West India body to their appointment, *Burge* 3379——They are entirely dependent on the overseers and managers of property in Jamaica, *Beaumont* 3993——Several have resigned in consequence of the conduct of the planters towards them, *Oldrey* 2999–3011——Several instances of their having pieces of plate voted them, *Beaumont* 4006–4027——Examination relative to a letter inserted in the *Kingston Chronicle* against the magistrates of Jamaica and the British Government, and means possessed by the inhabitants to redress themselves, *Madden* 793–815——Magistrates giving orders for inflicting the lash on females would be equally guilty with the party executing such order, *Miller* 3856.

2. Powers possessed by them, and objections thereto:

They can only inflict additional labour; the manner in which it is to be apportioned remains with the managers, *Jeremie* 133–134——Have the power of deciding what is and what is not an adequate quantity of ground for the support of an apprentice, *Jeremie* 321. 327–329——Power of the special magistrate with respect to awarding punishment is far too vague and too extensive, *Jeremie* 353——Have the power of visiting plantation hospitals; also to summon parties before them with reference to the general welfare of apprentices, without any particular complaints being made, *Burge* 2769–2772, *Grey* 5631, 5632——Are the persons authorized to see that the provision made for apprentices is ample and sufficient, *Burge* 2793–2799——Have the power of summoning the police to attend them in the execution of their duties, *Oldrey* 3045.

Opinion that they have the power of visiting workhouses whether they are local magistrates or not, *Burge* 3286–3288, *Grey* 5631——Have the power of enforcing claims for wages which have been entered into under his sanction and guarantee, *Burge* 3338——No doubt that they can, with respect to the wages of apprentices, to the extent of

Magistrates—II. *Special Magistrates*—2. Powers possessed by them, &c.—*continued.*

5*l.*, exercise all the powers conferred on the general magistrates, *Burge, p.* 317——The special magistrates have the power of confirming any agreement made between the majority of the apprentices and the managers of an estate, *Beaumont* 4369–4370——Objection to the jurisdiction given to special magistrates in matters which have no immediate reference to the relation between manager and apprentices, *Jeremie* 360–362.

Ought not to interfere in matters which have no immediate reference to the relation between manager and apprentice, though they have the jurisdiction, *Jeremie* 360–372——Objection to the power conferred on magistrates by the act for building gaols, houses of correction, &c. for framing regulations for the conduct of prisons, &c. *Jeremie* 1042–1047——Objections to certain clauses contained in an act to enlarge the powers of justices in determining complaints between masters and servants. &c., *Jeremie* 1096–1120——They cannot overrule the certificate of a vestry, that proper clothing has been furnished, if such certificate is produced to them, *Jeremie* 395–412——Have no voice in determining the sufficiency of clothing for apprentices, *Oldrey* 3112——Instructions from Lord Sligo as to their power to apportion the extra time required of apprentices for neglecting their duty, *Grey* 5639, 5640. 5642–5643.

3. Powers with which they should be entrusted:

Some place of confinement under their controul alone should be provided in every district for refractory apprentices, *Jeremie* 354–356——They should be compelled to visit the gaols in which apprentices are confined, *Jeremie* 1089——Should have the exclusive cognizance of every matter and thing between the apprentice and any person entitled to his services, *Burge* 3379——They have no power to adjudge indemnification to the apprentices, *Oldrey* 3219——In cases of wages can only adjudicate to the amount of 5*l.*, *Burge* 3346——In cases of appraisement can only interfere when there is a difference of opinion between the arbitrators, *Jeremie & Beldam* 80.

4. Want of Protection for, and Protection to be afforded them:

Great want of adequate protection to the special magistrates against vexatious prosecutions, *Rep. p.* v, *Madden p.* 50, *Oldrey* 2963, *Grey* 5624–5628——Should not be exposed to a want of due protection against prosecutions, *Rep. p.* v, *Grey* 5624——Two actions of trespass against special magistrates have occurred, in which damages have been obtained, *Rep. p.* v, *Grey* 5625, *Madden* 774, *Oldrey* 2963–2965, *Burge* 3384–3405——Whether the measures taken are adequate to protect the magistrates in the discharge of their duties, *Grey* 5624–5628——By certain clauses in the Act in Aid, special protection is afforded to magistrates in respect of actions brought against them while acting in the discharge of their duty, *Jeremie* 193–195——Special magistrates will never be protected completely, so long as they remain liable to an action, and alterations suggested, *Jeremie* 196–198——Sufficient protection is given them by the Act in Aid, *Jeremie* 2657——Clauses in the Act in Aid which afford special protection to magistrates in respect of actions brought against them in the discharge of their duty, *Jeremie* 193.

Would be liable to an action for damages, for convicting a master of cruelty for continuous employment of the negro for 45 hours, *Jeremie* 189——Would not be liable to an action of damages, for inflicting punishment on a negro for complaining of having been employed continuously 42 hours, *Jeremie* 183–192——Would be liable to an action of damages, if they convicted a manager in a penalty for having employed a negro for 42 hours continuously, *Jeremie* 183–192——Sufficient number of special magistrates in Jamaica to attend to all the complaints of the negroes, if they had a proper protection from the colonial judicature, *Madden* 770–783——Should be indemnified by Government for any special action that may be brought against them, when they have acted impartially in the discharge of their duties, *Oldrey* 3105–3109, *Grey* 5625——Nature of the protection to be afforded to special magistrates, *Oldrey* 3105–3109.

5. Character and Conduct of those sent from England:

Those sent from this country are perfectly ignorant of the local customs, and even unacquainted with the *patois* which the negroes speak, *Beaumont* 3989——Those sent from this country to Jamaica are not competent to do the duties they have to perform, *Beaumont* 4242, 4243——There is no doubt that persons sent from this country as expectant magistrates become, previous to their appointment, contaminated, *Beaumont* 4260–4263——As they become acquainted with the planters, they increase their prejudices against the slaves, *Beaumont* 4064–4077.

III. *Stipendiary Magistrates, and their interest in Apprenticed Labour:*

Several of the stipendiary magistrates are interested in apprenticed labour, *Beaumont* 4120–4221. 4228–4231——Vacancies frequently occur among the stipendiary magistrates, *Beaumont* 4256–4259——Many of those who have no direct interest in apprenticed labour are more influenced by local prejudices than many proprietors would have been, *Beaumont* 4233, 4234——Negroes have no desire that stipendiary magistrates should interfere in the agreements made between them and the planters, *Hall* 5855–5857.

Magistrates—continued.

IV. *Papers laid before the Committee:*

Return of the number and nature of the punishments inflicted on the apprenticed labourers in the colony of Jamaica, by the special or stipendiary magistrates, specifying the offences for which they were inflicted, separating males from females, between the 1st August 1834 and the 1st August 1835, *App. p.* 160–162——Summary of letters addressed to Lord Sligo, by 53 special magistrates of Jamaica, in answer to a circular requiring reports upon the state of each district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospects of the ensuing crop; the original letters inclosed in Lord Sligo's despatch, No. 182, of the 4th November 1835, and all dated about the end of October, *App. p.* 138–146.

Abstract of reports from 57 special magistrates of Jamaica on the same subject, for the quarter ending in March 1836, *App. p.* 147–159——Abstract of the monthly returns of punishments received by the governor of Jamaica from special magistrates, from 1 August 1835 to 31 March 1386, *App. p.* 162——Return of valuation of apprenticeship made by the special magistrates, from 1 August 1834 to 1 June 1835, *App. p.* 166–175——Similar return from 1 June to 31 August 1835, *App. p.* 176–179——Similar return from 1 September to 31 December 1835, *App. p.* 179–185——Similar return from 1 January to 31 March 1836, *App. p.* 186–172——Copies of the Marquis of Sligo's instructions to the special magistrates of the island of Jamaica, *App. p.* 229–237.

See also *Aberdeen*, Lord. *Act in Aid. Appraisement of Negroes*, 1. 3. *Apprentices*, 4. *Cane-hole Digging. Chains. Chief Justice of Jamaica. Clothing. Dawson*, Mr. *Females. Flogging*, II, IV. *Hill*, Mr. *Hospitals. Jamaica. Judges. Justice*, Administration of. *Kingston Chronicle. Kingston* Parish. *Medical Attendance. Penal Gangs. Penalties. Petty Sessions. Planters. Plate. Police*, 1. *Prisons. Pro-Slavery Party. Provision Grounds*, 2. *Punishments*, 1. 2. 5. *Salaries. Slavery*, Abolition of. *Solitary Confinement. Stanley*, Lord. *Switching. Treadmills. Wages*, V. *White*, Lieut. *Workhouses.*

Maintenance of Negroes. No instance during the last 20 years of witness's residence in Jamaica, of negroes making complaints of being in want of adequate maintenance, *Burge*, 2788.——*See* also *Provision Grounds*, 4.

Mais, Mr. See *Mason & Oldrey.*

Malicious Trespass Act. Opinion that it was framed rather for the correction of the apprentice than for his advantage, *Matthews* 1177——This Act was passed by the Colonial Legislature in December 1833, and is now in operation; it has not been expressly allowed, and is open to disallowance, *Grey* 5867.

Managers of Estate. Formerly they had a permanent interest in their negroes, now it is only a short-lived one, *Jeremie* 441, *Madden* 453.

See also *Agents. Attornies. Magistrates*, II. 1. *Penalties. Petersfield Estate. Spanish Town.*

Mandamus. There is no expense incidental to the application for a mandamus, they are Crown proceedings, *Burge* 2682.

Manchester, Parish of. One of the special magistrates of this parish received a piece of plate from the planters of Jamaica, *Beaumont* 4006——Returns relating to gaols or houses of correction, *App. p.* 107–117——Rules for the government of the gaol and house of correction, in aid of those established by law, *App. p.* 128, 129——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospects of the ensuing crops, *App. p.* 141——Reports on the same subject, for the quarter ending March 1836, *App. p.* 151——Reports from special magistrates of this parish, on the state of grounds belonging to apprentices in their respective districts, *App. p.* 209, 210.

See also *Gaols. Houses of Correction.*

Manslaughter. For this crime Europeans are sent to the county gaol, but apprentices would be sent to the workhouse in the first instance, *Oldham* 4632–4636.

Manumission. Previous to the abolition of slavery no negro could demand, as a right, his manumission, *Jeremie & Beldam*, 48–50——Further evidence respecting the defective nature of the clause regarding the manumission of apprentices, *Jeremie & Beldam*, 55–69——Mode of proceeding adopted in cases of compulsory manumission, *Burge* 2671——Numerous instances of manumission by private agreement between owners and apprentices, *Grey* 5565——*See* also *Compulsory Manumission.*

Markets. Instances where negroes have to travel 25 miles to market, *Madden* 513. 514——Negroes do not go to market every market day, *Miller* 3503——Negroes find it more profitable

Markets—continued.

profitable to pay persons to carry their overplus provisions than go themselves to market, *Miller* 3506–3508——Average distance of them from the provision grounds, *Miller* 3876-3880——Number of market places in Trelawney, *Miller* 3879——Distance of the estates from the markets in the district of Clarendon and Vere, *Brown* 5737.

See also *Provision Grounds*, 3. *Provisions.*

Marlton, Mr. *W.* Letter from him to Lord Sligo, with report on the state of the negro provision grounds at Trinity and Tryall estates, to the 8 March 1836, *App. p.* 204.

Maroons. They have never shown any disposition to labour; they are strong athletic men, *Jones* 5460, 5461.

Marriages. Objection against the present state of the law with regard to marriages, *Rep. p.* vii, *Shirley* 5122——The bill introduced into the House of Assembly for permitting the marriage of negroes by dissenting clergymen was thrown out on a division on the first reading, *Shirley* 5110–5112——Present state of the law of Jamaica relating to marriages is a very great obstacle to the ceremony being performed, *Shirley* 5113, 5114——Reason assigned by the House of Assembly for rejecting the bill relative thereto, *Shirley* 5122, 5123——Recommendation being sent from England to the House of Assembly in Jamaica to pass a bill permitting the ceremony to be performed by dissenting clergymen would be attended with beneficial results, *Shirley* 5122, 5123——Extract from Mr. Beecham's communication to the Secretary of State upon the subject of the marriage laws of Jamaica, *Grey* 5572——Are becoming more frequent among the negroes now than formerly, *Oldham* 4706, *App. p.* 159——Observations on the state of the laws relating to marriages in the emancipated colonies, by R. Matthews, esq., *App. p.* 241–248.

See also *West India Colonies.*

Mary, St., Chapel. Sum voted by the House of Assembly towards the support of St. Mary chapel at Newtown, Middlesex, *Burge* 5876.

Mary's, St., Parish. Returns relative to gaols or houses of correction, *App. p.* 107–117——Rules and regulations for the house of correction, gaol and hospital attached thereto in this parish, *App. p.* 117–119——Summary of letters addressed to Lord Sligo in answer to a circular requiring reports upon the state of the district, the industry of the apprentices, behaviour of masters, state of cultivation and expected crop, *App. p.* 144——Report on the same subject for the quarter ending in March 1836, *App. p.* 155, 156——Reports on the state of the provision grounds of the negroes in this parish, *App. p.* 204, 205.

Martin, Eliza. Report of the committee of the House of Assembly appointed to inquire into the circumstances under which she was flogged, *Ev. p.* 522——Examinations taken before that committee thereon, *Ev. p.* 523.

Mason, Mr. Very great complaints made against him by the negroes on his estate of the want of clothing, medical attendance, &c., *Oldrey* 2900–2910——Proceedings taken in reference to the complaints made against him, and result, *Oldrey* 2921–2957——Report of special magistrates appointed by the governor of Jamaica to inquire into his conduct, *Oldrey* 2937——Indictment preferred against him was thrown out on technical grounds, *Oldrey* 2939–2942——Indictment against him was preferred at the instance of the governor of Jamaica, *Oldrey* 2951.

See also *Complaints. Medical Attendance. Oaths.*

Mason v. *Oldrey.* Extract of a despatch from Lord Glenelg to the Marquis of Sligo, dated 11 April 1836, requesting particulars of the opinions delivered by the judges in this cause, *App. p.* 237, 238——Despatch from the Marquis of Sligo to Lord Glenelg, dated 21 June 1836, in answer thereto, *App. p.* 239——Statement respecting the opinions of the judges in this cause, as prepared by the attorney-general of Jamaica, *App. p.* 240, 241——Letter from Mr. Nunes to Messrs. Barrett, Allwood and Mais, dated 16 June 1836, enclosing copy of the statement prepared by the attorney-general, *App. p.* 240——Letter from Messrs. Barrett, Allwood and Mais, in answer thereto, dated 22 June 1836, *App. p.* 240, 241.

Matthews, Richard. (Analysis of his Evidence.)—Statement of objections to the various Jamaica laws, 1177–1179.

[Second Examination.]—Witness has examined the several Acts with reference to the Emancipation Act that have been passed in the West India colonies, and concurs in the evidence given by Mr. Jeremie thereon, 3354–3358.

Matthews, Mr. Observations by him on the state of the laws relating to marriage in the emancipated colonies, *App. p.* 241–248.

See also *Jamaica Acts. Marriages.*

Mauritius. Population thereof, and supposed number of those capable of reading, *Grey* 5611, 5612——Very large proportion of the population there are unable to read, *Grey* 5611–5615——Abstract of certain ordinances passed in this colony, and remarks thereon, *App. p.* 68–71.

See also *Negro Education. Ordinances. Public Instruction.*

Medical Attendance. Is not sufficient on the various estates in Jamaica, *Madden* 611–614——Further evidence as to the inefficiency of the medical attendance on the different estates in Jamaica, *Madden* 629–635——By the old slave law the master was obliged to supply negroes with medical attendance, *Madden* 626——But few complaints by negroes of the want of proper medical attendance, *Burge* 2760——The objection made by Lord Stanley to the manner in which the law was worded as regards medical attendance has since been altered by the Jamaica legislature, *Burge* 2760–2765——Effect of the present law is to give the special magistrate the power of determining as to whether the negro is provided with sufficient medical attendance, *Burge* 2768——Great complaints among the negroes on Mr. Mason's estate of the want of sufficient medical attendance, *Oldrey* 2874. 2889–2900- Is always considered as an allowance, *Oldham* 5004.

See also *Hewitt, Tabitha. Johnston, Ann. Mason,* Mr. *Non Prædials.*

Medical Men. Class of persons usually selected as hot-house doctors; manner they are paid; with whom their appointment rests, *Madden* 605–610——Their pay has been diminished since the apprenticeship system has been substituted for that of slavery, *Madden* 632——Medical men in Jamaica have too many negroes to attend to, and they are insufficiently paid, *Madden* 761–765——Those of Jamaica are fully equal to the charge committed to them, *Burge* 2845–2851——They are generally very well qualified; the same attend the negroes as attend the whites, *Oldham* 5015, 5016——Do not receive extra remuneration when compelled to remain all night on an estate, *Burge* 2846——Want of sufficient power to visit apprentices in gaols, workhouses, hospitals, and on the estates, *Matthews* 1177——In many parts of Jamaica are required to visit estates three or four times a week whether there are persons sick or not, *Burge* 2845.

Medicine. Supposed amount of medicine sent out annually to an estate of 300 negroes, *Madden* 766.——*See* also *Hospitals.*

Merchants. The importunity of merchants at home for returns is a bar to the well-working of the apprenticeship system, *Madden* 453, *p.* 50.

Mico Charity, Trustees of. The trustees of this charity are bound to expend its funds in the advancement of negro education in the late slave colonies, *Grey* 5580——Letter from R. A. Wainewright, esq., secretary to the trustees of the Mico Charity, to Sir George Grey, dated 9 June 1836, relative to the appropriation of the funds in aid of negro education, *App. p.* 221–223.

Middlesex County. Comparative list of slaves and apprentices in the houses of correction in this county, in the island of Jamaica, antecedent and subsequent to the 1st August 1834, *App. p.* 163.

Milan Decree. During the existence of this decree, preventing the sale of coffee on the Continent, planters had not the means of granting the allowances, *Burge* 2732.

Miller, William. (Analysis of his Evidence.)—Formerly agent in Jamaica, and member of the legislative council; number of properties for which witness acted as agent, and period of his residence in the island, 3434–3457——Opinion that the principle of apprenticeship afforded the best prospect of a favourable issue to the state of slavery, 3460–3462——Number of years witness was in the commission of the peace, 3466, 3467——Apprenticeship system is working much better now than formerly, 3468——Principal difficulties in the way of its well-working, 3469–3481——Negroes of Jamaica have not the same inducement to work as in other countries, 3484–3487——Experiment of giving negroes wages for labour tried successfully on two estates under witness's management, 3489–3502——Heads of families seldom go to market, 3503–3508——Further evidence respecting the experiment of giving wages to apprentices, 3509–3545——Apprentices generally can distinguish between the past state of slavery and the present system of apprenticeship, 3546–3562——Witness paid wages on all estates under his management for extra labour, 3533——Further evidence respecting the payment of wages to negroes on the Hyde Hall and Etingdon estates, 3533, 3534. 3565–3572.

Situation of the negroes on these estates not so advantageous as those on estates under witness's management, and reason thereof, 3568–3571——No apprentice compelled to work extra hours on property managed by witness without being paid wages for the extra labour, 3576–3588——Deficiency in the crops on the estates, and causes to which attributable, 3589–3598——Apprentices refused to enter into agreements at the commencement of the apprenticeship system, 3598–3604——No indisposition on the part of managers to offer wages, 3607–3611——Period of planting sugar canes, 3612–3618——Principle which guided witness in estimating the amount of wages, 3624–3647——Nature of the allowances compellable by law, 3648, 3649——Majority of estates are conducted on the same principle as those under witness's management, 3650–3662——Whether during slavery the spring planting was not generally done by the job, 3663–3672.

Rate of wages given to jobbers depends entirely on the nature of the soil, 3676–3682——Reason the eight-hour system was adopted, 3684–3686——Preference given by apprentices to the nine-hour system, and reason therefor, 3688–3691. 3697, 3698——Witness made no alteration in the allowances granted to apprentices on the estates managed by him since the passing the Emancipation Act, 3706–3717——Whether under the apprenticeship system managers are able to carry on profitably the manufacture of sugar, 3720–3726——Sugar plantations were unsaleable previous to the apprenticeship system coming into operation, 3727–3740——Great depreciation of

Jamaica

Miller, William. (Analysis of his Evidence)—*continued.*

Jamaica property, 3747–3810——Witness has changed his opinions with respect to the working of the apprenticeship since the meeting of 1835, 3811–3819——Female flogging was not legal before the apprenticeship commenced, 3821–3844.

Practice to commit female slaves to the workhouse as a punishment, 3845–3849——Supervisor of the workhouse at Trelawney has been convicted of flogging a female, 3850–3856——Apprentices being required to work 45 hours continuously against their consent would have met with the opprobrium of most people, 3861–3875——Average distance of markets from the provision grounds, 3876–3880——Instances in which special magistrates have awarded wages to be paid to negroes, and *vice versa*, 3881–3889——Not the same motive to employ apprentices for a long time continuously now as there was previously to the Emancipation Act, 3890–3895——Evidence respecting letter written by witness to overseers on the subject of allowances, &c. to apprentices, 3898–3905——Females are obliged to work in chains in workhouses, 3906–3921.

Apprentices cannot be punished in any way except by order of the special magistrate, 3923–3937——But few complaints by apprentices against overseers, 3946–3949——In the penal gangs the sexes are kept separate, 3950–3953——Prisons are open to the inspection of special magistrates at any time, 3954–3957——Whether the penal gang is a distinct punishment to imprisonment and hard labour, 3959–3963——Proportion of prisoners in the Trelawney workhouse belonging to the penal gang compared with those that were not wearing chains, 3964–3966——Number of apprentices in the parish of Trelawney, 3967.

Missionaries. Beneficial effects of the intercourse between missionaries and the negro population, *Madden* 1003–1008——The exertions of the Moravian missionaries were considered in Jamaica more successful than those of any other class, *Madden* 1006——No doubt that their exertions have been very beneficial to the negro population of Jamaica, *Shirley* 5118–5121.

Missionary Societies. See *Negro Education.*

Mitcham Estate. Was managed entirely by a black man, without any assistance from the overseer, *Beaumont* 4406.

Monopoly. Proprietors of an estate enjoy a monopoly of the apprentices' labour; they are not at liberty to dispose of it to the proprietor of another estate, *Beaumont* 4374.

Montego Bay. Majority of the planters, &c. of Montego Bay are decidedly opposed to the apprenticeship system, *Oldrey* 3164.

Montserrat. An Act for the protection and maintenance of apprenticed labourers in this island, and for ensuring the punctual discharge by such apprenticed labourers of the services due by them to their employers; and, generally, for regulating the conduct, and for the punishment of any offences committed by such apprenticed labourers, *App. p.* 46–53——An Act for the classification of apprenticed labourers in this island, *App. p.* 54, 55——An Act for giving special magistrates jurisdiction over apprenticed labourers, and directing their mode of proceeding in the exercise of such jurisdiction, *App. p.* 55–59——An Act for establishing a police in the said island, *App. p.* 59, 60——An Act to repeal the provision contained in the fourth clause of an Act, intituled, An Act for the abolition of slavery in this island, *App. p.* 60, 61——Observations on certain Acts passed for the government of this colony, *App. p.* 72.

See also *Apprentices*, 6. *Assaults. Police*, 2.

Montpelier District. See *Odell*, Mr.

Morality. Very great improvement in the moral character of negroes since the apprenticeship system, *Oldham* 4702, 4703.——*See* also *Negroes.*

Moravian Missionaries. See *Missionaries.*

Mortality. It is the system of labour that destroys the negro population, not the labour itself, *Jeremie* 256——Among the negro population not to be attributed to hard labour, *Burge* 3383——Statement relative to the mortality among emigrants sent to Jamaica has been greatly exaggerated, *Burge* 5908——Extract from memorial of the House of Assembly stating the causes of the mortality, *Burge* 5908——Very considerable mortality took place among the German emigrants imported into Jamaica, *Grey* 5620, 5621.

Mount Pleasant Estate. There is no night work on this estate, the quantity of sugar being made in the day time, *Oldham* 4924–4928.——*See* also *Spell.*

Mulgrave, Lord. Opinion expressed by him as to the proposition of giving absolute freedom to the slave not being carried in the House of Assembly, decidedly incorrect, *Beaumont* 4480–4482.

Munro, Pamela. Arbitrators in her case set what appeared an exorbitant value, *Jeremie & Beldam* 25.

Murders. The punishment for murdering an apprentice is not inflicted in consequence of the Jamaica Acts, but under the general law of the country, *Jeremie* 201.

See also *Jenkins*, Mr.

N.

Necessaries of Life. Great want of proper regulations for securing punctuality and method in the supply of the necessaries of life, *Matthews* 1177.

NEGRO EDUCATION:

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally:*

The means provided for the education of the negro population are very inadequate, *Rep. p.* viii, *Grey* 5609, 5610, *Jones* 5424–5432——The public system of education is confined to towns, *Shirley* 5132——There is no obligation on the parents to educate their children, *Jones* 5438——Great benefit would be derived from a proper system of education in Jamaica, *Jones* 5459——Very great desire for instruction in Jamaica, and a general disposition among all parties to promote it, *Grey* 5580——Steps taken to promote it, *Grey* 5581–5608——Great desire among the members of the House of Assembly, as well as private individuals, to promote education among all classes, *Grey* 5580, *Burge* 5888——Negro education has formed the subject of a message from the governor, and an address from the Assembly, during the last session, *Grey* 5863.

Evidence respecting the proceedings of the House of Assembly with respect thereto, *Grey* 5863——Evidence respecting the messages sent by the governor of Jamaica to the House of Assembly relative to the application of the sum granted by the Home Government towards the education of the negro, and proceedings of the House thereon, *Burge* 5869, *p.* 511–513——Sums voted by the House of Assembly towards the funds raised for building chapels and school-rooms, *Burge* 5876–5881——There are doubts entertained by dissenting societies as to the propriety of having any compulsory system of education in Jamaica, *Grey* 5616——One of the most important objects to be obtained is to provide means for the education of negroes in apprenticed as well as other colonies, *Grey* 5615.

2. *Papers laid before the Committee:*

Extracts from the votes of the House of Assembly of Jamaica, session 1835–36, on this subject, *App. p.* 104–106——Statement of the appropriation of 20,000 *l.*, voted by Parliament in 1835, in aid of the erection of schoolhouses in Jamaica, *App. p.* 219——Circular addressed by Sir George Grey, dated 10 September 1835, to different missionary societies on the same subject, *App. p.* 220, 221——Schedule showing the appropriation of the grant of 5,000 *l.* voted by Parliament in 1835 in aid of Normal schools in the island of Jamaica for the purpose of training teachers, *App. p.* 220——Letter from R. A. Wainewright, esq., secretary to the trustees of the Mico Charity, to Sir George Grey, dated 9 June 1836, relative to the appropriation of the funds in aid of negro education, *App. p.* 221–223.

See also *Assembly*, House of. *Jamaica. Mico Charity*, Trustees of. *Schools. Towns. Voluntary Contributions.*

Negroes. The desire for moral and physical improvement is daily gaining ground, *Rep.* viii——Any attempt to improve their condition by instruction will come much better after they are free, *Jeremie & Beldam* 7——Are to be appraised by persons having a direct interest in enhancing their value, *Jeremie & Beldam* 25——A negro who would apportion the share of his own time which he had been adjudged to forfeit to his employer would be liable to punishment for disobedience, *Jeremie* 170——No persons in the world more sensible of good treatment than the negro, *Madden* 833——They are quite qualified for their immediate freedom, *Madden* 855——Measures to be adopted to prevent riot or rebellion in case of their being emancipated, and evidence thereon, *Madden* 856–869——There has been no public notification to the negro population of the readiness of the governor to receive their petitions, *Madden* 948–950——They are not inferior to the white men in intellectual or moral capacity, *Madden* 1001, 1002.

Negroes who have not been registered at the last registry are not considered as apprentices, and their owners are not entitled to compensation, *Burge* 2719. 5181, 5182——Instances in which planters have given them compensation for damage done to their grounds, *Burge* 2746——They are not, as regards food, worse off now than previous to the passing the Emancipation Act, *Oldrey* 3123——They are very susceptible of kindness, and very well-disposed when well treated, *Oldrey* 3129——Examination as to the number of negroes who availed themselves of the compulsory manumission clause, class of persons claiming, average appraisement, and probable sum they would have sold for previously, *Oldham* 4977–5003——Impediments have been in some instances thrown in the way of their obtaining their freedom, *Grey* 5561–5566. 5573–5577——They should be encouraged to become proprietors of estates, *Grey* 5660–5663.

See also *Appraisement of Negroes. British Guiana. Hours of Labour*, 5. *Land*, 1. *Magistrates*, II. 1. *Marriages. Medical Attendance. Missionaries. Religious Instruction.*

Nelson, Mr. Indictment preferred against him was ignored by the grand jury of Kingston, and supposed reason, *Grey* 5549. 5557.

Nevis Island. Act to alter and amend an Act, intituled "An Act to provide for the Maintenance, Protection, and good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates," *App. p.* 45, 46——Observations on certain Acts passed for the government of this island, *App. p.* 74.
See also *Assaults. Police,* 2.

Nepean, Sir *Molyneux Hyde.* Evidence given before the committee of the House of Assembly respecting the number of indictments sent to the grand jury of Surrey in 1835 against the supervisor of house of correction of Kingston, *Ev. p.* 523, 524.

Night-Work, There is no difficulty in getting the night-work during crop-time done for wages, *Oldham* 4746.——*See* also *Mount Pleasant Estate.*

Nine-Hour System. Is decidedly preferred by the apprentices, *Rep. p.* vi., *Miller* 3688–3691. 3697, 3698, *Oldham* 4775-4777. 4895, *Grey* 5530, 5531——Many of the proprietors allow their apprentices to work on this system, *Oldrey* 3231——Its being recognized would give great satisfaction to the apprentices generally, *Oldrey* 3242——Was in very general use at the commencement of the apprenticeship system throughout the whole country, *Miller* 3533——It has never been acted upon on witness's property, *Jones* 5331——Lord Sligo has exerted himself to establish it, *Grey* 5530——Circular of the Marquis of Sligo to the custodes of the island of Jamaica, dated 25th August 1835, relative to the adoption of the nine-hour system of labour, *App. p.* 227, 228.
See also *Boilermen. Hours of Labour,* 1. 2. *Sligo,* Lord. *Trelawney,* Parish of.

Nolan, Mr. Witness does not agree in the report made by him with respect to the Happy Grove estate, *Hall* 5850–5852.

Nolan, Mr. *James.* Statement of the cultivation of the apprentices grounds in the district under his charge, 9th March 1836, *App. p.* 207–209.

Non-Prædials. Are entitled to medical attendance now as formerly, *Madden* 628.
See also *Passports.*

Non-Registration. The fact of non-registration entitles a negro to his absolute freedom, *Burge* 2719. 5181, 5182.
See also *Attorney General of Jamaica.*

Non-Resident Proprietors. The great majority of proprietors being non-resident the apprenticeship system has not been allowed a fair trial, *Madden* 453, *p.* 50——Very improbable that persons having negroes in Jamaica should not be represented by some person in the island, *Burge* 2719, 2720.

Normal Schools. Considerable sums of money have been expended in the formation of Normal schools in the West Indies, *Grey* 5580. 5605——Sum expended in the erection of Normal schools in the West Indies, *Grey* 5582——Statement of the appropriation of 20,000 *l.* and 5,000 *l.* voted by Parliament in 1835, in aid of the erection of school-houses and Normal schools, *App. p.* 219, 220.
See also *Negro Education. Parliamentary Grants.*

Nornis Estate. This estate will realize an increase in the quantity of sugar produced, *App. p.* 159.

Nurses. The allowance of them to females labouring in the field has been discontinued, *Madden* 453, *p.* 51——Motives of proprietors in discontinuing the allowance of nurses to negroes in the field is to exact more time than the law allows, *Madden* 589–593.

O.

Oaths. Magistrates are not upon oath in cases of applications for valuation of apprentices, neither do they in all cases adjudicate upon a statement taken on oath, *Madden* 970–973——It is generally considered that the master making his complaint upon oath is sufficient to convict the negro, *Madden* 975——Refusal of Mr. Mason to produce a Bible for the purpose of administering oaths to constables, *Oldrey* 2870–2909.
See also *Punishments,* 4. *Returns of Clothing.*

Odell, Mr. Return of the state of apprentices provision grounds in the Montpelier district, *App. p.* 195.

Offences. Return of the number and nature of the punishments inflicted on the apprenticed labourers in the colony of Jamaica by the special or stipendiary magistrates, specifying the offences for which they were inflicted, separating males from females, between the 1st August 1834 and the 1st August 1835, *App. p.* 160–162.

Oldham, John. (Analysis of his Evidence.)—Twenty-two years resident in Jamaica 4577–4582——Opinion as to the manner the apprenticeship system is working there, 4584——Special magistrates were too severe in their punishment on the first introduction of the emancipation, 4584–4596——There has been a decrease in the severity of the punishments inflicted, 4597–4600——Instances of females working in chains in the public streets since the apprenticeship system, 4610–4615——Free people are confined in workhouses in common with apprenticed labourers, 4616–4629——Proportion of crime between the white and coloured population of Jamaica, and evidence thereon, 4630–4652——Evidence

Oldham, John. (Analysis of his Evidence)—*continued.*

——Evidence respecting the distinction between indulgences and allowances to apprentices, 4653–4656. 4660–4686——Cause of the indulgences being withheld, 4654. 4657–4659——Whether the consumption of salt fish has decreased in Jamaica, 4687–4691——Willingness of negroes to work for wages greatly increased and is progressively increasing, 4692–4697.

Further evidence respecting the working of the apprenticeship system in Jamaica, 4698–4712——There is a strong desire among apprentices for unqualified freedom, but they expect to serve out their time as apprentices, 4712–4732——Some description of Vagrant Act will be very requisite at the expiration of the apprenticeship, and evidence thereon, 4733–4740——No difficulty in getting work of any description done at fair wages, 4743–4748——Prospective arrangements are being made both by planters and apprentices for the expiration of the apprenticeship system, 4742. 4749–4753——Very absurd to suppose that negroes would not work for wages, 4754–4760——Amount of elective franchise in Jamaica, 4758——Whether at the expiration of the apprenticeship there will be a great number of blacks in possession of the elective franchise, 4759, 4760.

[Second Examination.]—Reason why negroes have a desire for unqualified freedom, 4760–4763——Number of hours negroes are employed during crop time, 4764, 4765–4768——Negroes do more work when they are satisfied with the arrangement of the hours of labour, 4769–4778——Whether any legal question has been raised in Jamaica as to the right of a master to exact a greater quantity of labour than that allowed by law, 4779–4784——Examination respecting the number of hours witness has known apprentices to labour inclusive of the time they are working for wages, 4789–4797——Estates under witness's management are generally full-handed estates, 4800——Quantity of sugar made upon those estates previous to and since the apprenticeship system, 4802–4816——Number of negroes under witness's direction, and supposed compensation to be paid for them, 4820–4826.

Whether parties having estates totally unencumbered could make better arrangements with merchants than those did whose estates were mortgaged, 4828–4836——Opinion that at the expiration of the apprenticeship sugar cultivation will not be carried on so advantageously for the planter as it has been, 4837–4839. 4854–4856. 4865, 4866——Witness would not give more than four years' purchase for West India property, 4840–4845——Evidence respecting the value of West India property immediately preceding the passing the Emancipation Bill and since, 4841–4852——Seasons of 1835 and 1836 were finer than for many years previous, 4857, 4858——Decrease in the quantity of sugar from Jamaica, taking the whole island, and cause to which attributable, 4859–4861. 4867——Return of estates on which wages have not been offered as contained in the Blue Book, is incorrect, 4868–4870——Opinion that negroes do as much now in the day-time when working for their masters as they did during slavery, but when working for themselves a great deal more, 4874. 4876–4886.

Further evidence respecting the amount paid by witness as wages since August 1834, and number of persons receiving the same, 4887–4931——Further evidence as to the number of hours apprentices are employed, 4924–4928——The introduction of machinery since the apprenticeship has caused an increase in the expenses of the planters, 4932–4935——The introduction of machinery in the cultivation of sugar would be of great advantage, 4936–4939——There is no tendency in the rate of wages to increase as apprenticeship advances, 4942–4950——Distance of provision grounds on the north side of Jamaica from the estates and the markets generally, 4951–4954——State of cultivation of the provision grounds; average extent of them, 4955. 4957–4959——Machinery is becoming more general now than during slavery, 4965–4967——Further evidence respecting the depreciated value of West India property, 4969, 4970.

No instance of young children being apprenticed in consequence of their parents not maintaining them, and examination as to the manner they are supported, 4971–4976——Examination as to the number of negroes who availed themselves of the compulsory manumission clause; class of persons claiming; average appraisement thereof, and probable sum they would have sold for previously, 4977–5003——Whether apprentices have been in the habit of accumulating money, 5007–5014——Witness would anticipate unfavourable consequences from a premature dissolution of the apprenticeship, 5018, 5019.

Oldrey, Capt. *William.* (Analysis of his Evidence.)—Special magistrate in Jamaica; length of time witness remained there, and cause of his resignation, 2852–2867——Evidence respecting the circumstances connected with his resignation, and the prosecutions he was exposed to from the planters, 2869——Refusal of Mr. Mason to produce a Bible for the purposes of swearing in his constables; nature and extent of complaints made against Mr. Mason by his negroes, 2870–2909——Evidence respecting the manner of defrauding apprentices of their legal clothing, 2910–2920——Proceedings taken against Mr. Mason in reference to the complaints made against him, and result, 2921–2957——Report of special magistrates appointed by the governor of Jamaica on the conduct of Mr. Mason, 2937——Indictment preferred against him by the attorney-general was thrown out on technical grounds, 2939–2942——No penalties have been levied against Mr. Mason, 2951, 2952——Nature and extent of the actions brought against witness by Mr. Mason, and their result, 2958–2983——Planters contributed towards the expense of the prosecutions against witness, 2983–2988.

Majority

Oldrey, Capt. *William*. (Analysis of his Evidence)—*continued*.

Majority of planters are opposed to the apprenticeship system, 2989–2998——Several special magistrates have resigned in consequence of the conduct of the planters towards them, 2999–3011——Conduct of the special magistrates is closely scrutinized, 3027–3030——Alteration in the administration of justice in the colonies decidedly necessary, 3038–3041——Special magistrates find great difficulty in executing their duties from the want of police, 3042–3047——Several complaints made of magistrates acting with undue severity towards negroes, 3054–3068——Instances of special magistrates having had pieces of plate voted to them after they have left their districts, 3072–3099——Nature of the protection to be afforded to special magistrates, 3105–3109——Law under which clothing in due to apprentices, and by whom its sufficiency is decided, 3110–3116——Allowances given under the old slave law have been generally withheld, and supposed reasons therefor, 3117–3122——Apprenticeship system would be productive of great good in Jamaica under proper laws, 3127–3142.

[Second Examination.]—Evidence respecting the charges made against witness by Mr. Mason, of having summoned the whole of his apprentices to appear at one time, 3150–3151——Opinion that the pro-slavery party in Jamaica are decidedly opposed to the present system of apprenticeship, and that they use every effort in their power to mar its success, 3156–3167——Evidence respecting the infliction of corporal punishment on females, 3168–3215——Special magistrates have no power to adjudge indemnification to the apprentice, 3219——Operation of the eight-hour system of labour has an injurious effect, 3222–3242——Laws of Jamaica generally require amendment, 3244–3250——Explanation of witness's former evidence respecting the powers of special magistrates as regards apprentices, 3419–3427——Intervals at which apprentices are paid their wages, 3428–3430——Number of crops of sugar carried off during witness's residence in the island, 3431, 3432.

Oldrey, Capt. Action brought against him by Mr. Mason, and a verdict of 289 *l.* given against him, *Madden* 774, *Oldrey* 2963-2965, *Burge* 3394-3398, *Grey* 5624——Observations respecting his trial, *Burge* 3394-3405——Remarks on Jamaica Abolition Acts communicated to Lord Glenelg by him, 4 August 1835, *App. p.* 248–252.——*See* also *Jamaica Acts*.

Oliver, Mr. *T. M.* Return by him of the state of the negro grounds in his district in Westmoreland in March 1836, *App. p.* 194.

Orange Hill Estate. Quantity of sugar made on this estate previous to and since the apprenticeship system, *Oldham* 4807–4809.——*See* also *Apprentices*, 5.

Ordinances. Analysis of colonial acts and ordinances general in their title, but in practice more particularly affecting the emancipated negroes, *App. p.* 65–76.

Abstract of certain ordinances passed in the British colonies, and observations thereon; In British Guiana, *App. p.* 68. 85–87; Cape of Good Hope, *App. p.* 78——In the Mauritius, *App. p.* 68. 87——In Trinidad, *App. p.* 76.——*See* also *Cape of Good Hope*.

Overseers. But few complaints by apprentices against them, *Miller* 3946–3949——In general perform their duties through the negro headmen, *Beaumont* 4406——Know very little of the feelings and opinions of the negro population, *Beaumont* 4406——One of the greatest mistakes they have made is in the apprehension that negroes will not work for wages, *Beaumont* 4406——Repeated instances of their having been dismissed for cruel and improper conduct, *Grey* 5522.

See also *Edwards*, Mr. *B. Hour Glasses. Mitcham Estates. Magistrates*, II. 1. *Punishments*, 1.

Overplus Provisions. See *Markets*.

P.

Palmer, Dr. Opinion expressed by him that the flogging of women was common enough in Jamaica, *Beaumont* 4436–4438.

Parents. They frequently make agreements with proprietors of estates to give a certain portion of their time in consideration of having medical attendance provided for their children, *Grey* 5577.

See also *Children. Clothing*, 2. *Medical Attendance. Negro Education*.

Parishes. Number of parishes in Jamaica, *Russell* 5207.

Parliamentary Grants. Statement showing the appropriation of 20,000 *l.* and 5,000 *l.* voted by Parliament in 1835, in aid of the erection of school-houses and Normal schools in the island of Jamaica, *App. p.* 219.

Passports. Non-prædials may, if willing, accompany employer or any part of his family without a passport, *App. p.* 46——Prædial apprentices departing the island without a passport subject to six months' imprisonment, *App. p.* 46.

"*Pen*." A plantation for raising stock or grazing, *Beaumont* 4175.——*See* also *Pimento*.

Penal Gangs. Females are compelled to work in penal gangs, *Miller* 3906, 3907, *Brown* 5718——Supervisors of workhouses cannot place a person in the penal gang unless it is the sentence of the magistrate, *Miller* 3923——Are employed in the workhouses, *Miller*

Penal Gangs—continued.

3958, 3959——Apprentices sentenced to confinement are not put in chains, unless sent to the penal gang, *Oldham* 4625, 4626——In the penal gangs the sexes are kept separate, *Miller* 3950–3953——Whether the penal gang is a distinct punishment to imprisonment and hard labour, *Miller* 3959–3963——Prisoners sentenced to the penal gangs work in chains, *Grey* 5560.

See also *Chains. Europeans. Females. Hard Labour. Prisoners. Punishments*, 1. *Workhouses.*

Penalties. Want of reciprocity in the amount and application of the penalties inflicted by the authority of the special magistrates on managers and apprentices, *Rep. p.* iv., *Jeremie* 87. 374. 376. 444, 445, *Matthews* 1177——Objection to the manner in which penalties under the Jamaica Acts are to be applied, *Jeremie* 87–94——Evidence respecting the objection to the penalty inflicted as to endangering property by the careless use of fire, *Jeremie* 106-112——Nature and extent of witness's objection to the 49th section of the Jamaica Act respecting penalties, *Jeremie* 376——Whether negroes would be liable to penalties for absconding from an estate during the period an appeal was pending respecting his valuation, *Burge* 2710–2718——Parties omitting to register their negroes subject themselves to heavy penalties, *Burge* 5179——On owners of negroes for neglecting to supply sufficient provision for his apprentices, and manner in which they are to be appropriated, *Burge* 2805–2820——Amount of penalty to be inflicted on persons refusing permission to special magistrates to inspect gaols, &c., *Grey* 5633–5635——On owners of apprentices for neglecting to furnish them with provisions, *App. p.* 40. 43. 45.

See also *Assaults. Clothing*, 2. *Jamaica Acts.*

Petersfield Estate. Apprentices on this estate expressed themselves very favourably of their managers, though they object to the working of the system generally throughout the country, *Beaumont* 4035.

Petty Sessions. Should be held by special magistrates every week, either at their own house or some public station, *Madden* 821——The frequency of the petty sessions affords a sufficient opportunity for apprentices to make complaints against their masters, *Madden* 822, 823.——*See* also *Magistrates*, II. 1.

Philips, Mr. Bill of indictment for flogging a female found against him by the grand jury of Kingston, *Grey* 5549. 5557.

Philp, Mr. *E. D.* Return by him of the condition of negro grounds in his districts of the parish of Westmoreland, on the 1st March 1836, *App. p.* 194, 195.

Plantains. Are grown in all situations where the soil is suited for them in Jamaica, *Burge* 2840–2842——Are a very exhausting crop, *Burge* 2841.

Plantations. Sugar plantations were unsaleable previous to the apprenticeship system coming into operation, *Miller* 3727–3740.

Planters. West Indian planters founded their whole objection to the abolition of slavery to the necessity for the manufacture of sugar being carried on continuously, *Jeremie* 119, 120. 124—— The majority of the planters and managers of estates in Jamaica are opposed to the present system of apprenticeship, *Oldrey* 2989–2998. 3156. 3160, *Brown* 5708——No disposition on their part to meet the wishes of the British Government, in order to facilitate the well working of the apprenticeship system, but on the contrary great hostility to the measure, *Brown* 5704-5710——Great number of them are decidedly in favour of the apprenticeship system, *Beaumont* 4276–4277. 4468–4470——May bring actions against the special magistrate if he is dissatisfied with his decision, *Madden* 963——Jamaica planters would not have been perfectly safe in receiving the compensation if they had not passed the Act in Aid, *Jeremie* 2665–2668.

Have contributed towards the expense of the prosecutions against witness, *Oldrey* 2983–2988——Some improvement in the feeling of planters towards their negroes has taken place latterly, *Oldrey* 3128, *Grey* 5525——General impression among them that an entire emancipation would be better than the present system, *Beaumont* 3991——Their opinion that the functions of the legislature of the colony should be suspended during the operation of the apprenticeship, *Beaumont* 4305–4312——Their present condition is not one of unrivalled prosperity; it is improving, *Grey* 5666, 5667——They professed themselves willing to give adequate wages for the extra labour of the negroes, *Brown* 5711–5713——Analysis of the Jamaica Act, enabling parties having claims to the services of apprenticed labourers to assert their title at law, and for other purposes, *App. p.* 37.

See also *Abolition Act. Apprenticeship System*, II. IV. *Berlin Decree. Clothing*, 2. *Eight-Hour System*, 2, 3. *Flogging*, III. 3. *Kingston Parish. Madden*, Dr. *Magistrates*, II. 1. *Milan Decree. Montego Bay. Negroes. Nine-Hour System. Non-resident Proprietors. Penalties. Spanish Town. Sugar. Switching.*

Planting Attornies. See *Attornies.*

Plate, Pieces of. Instances of special magistrates having pieces of plate voted to them after they have left their districts, *Oldrey* 3072–3099——Customary to make presents of plate, and give votes of thanks to all special magistrates who please the planters, *Beaumont* 4341–4348.——*See* also *Magistrates*, II. 1.

Ploughs.

Ploughs. The plough has been introduced on witness's property, and benefits therefrom, *Shirley* 5154, 5155——The use of the plough depends very much on the nature of the soil; description of land for which it is best adapted, *Shirley* 5156——The use of the plough is increasing in Jamaica; it saves a considerable expense to the proprietors, *Oldham* 4940, 4941——Whether the plough has been introduced on estates in Vere, *Hall* 5858–5862——The plough is coming into general use in the parish of St. Thomas in the East, *App. p.* 158—— In Vere, *App. p.* 152.

Plymouth, Town of. Analysis of the Colonial Act for regulating the police, and observations thereon, *App. p.* 75.

POLICE:

1. *Generally.*
2. *Police Acts, and Observations thereon.*

1. *Generally:*

A much better police than exists at present is requisite for Jamaica, *Madden* 861—— Special magistrates find great difficulty in executing their duties from the want of police, *Oldrey* 3042–3047——Are stationed at considerable distance from some of the special magistrates, *Oldrey* 3045——They are generally sent to the workhouse to be worked on the treadmill, for offences committed by them, *Russell* 5260——Frequent detections made by them, of persons stealing produce, *Grey* 5522, *p.* 461——The commander-in-chief has the appointment of police officers for certain districts in Barbadoes, *App. p.* 41.

2. *Police Acts, and Observations thereon:*

The object the House of Assembly had in view by passing the Police Act, was to introduce a modified system of slavery at the expiration of the apprenticeship system, *Beaumont* 4286, 4287. 4293——Observations on the Act to colonize the interior lands of Jamaica, and for a permanent police, passed by the House of Assembly 9 December 1833, *App. p.* 33, 34——An Act for continuing in force and amending an Act, intituled, "An Act for the temporary establishment of a Rural Police for the island of Barbadoes," *App. p.* 41——Act to legalize the police settlement of the windward division of St. Vincent as a place of confinement and punishment, *App. p.* 44, 45——An Act for establishing a police in the island of Montserrat, *App. p.* 59, 60.——Amount of their salary in Tobago, *App. p.* 64——Clothing to be allowed the police in Tobago, *App. p.* 64—— The Police Act of the island of Nevis is limited to five years' duration, *App. p.* 74.

See also *Apprenticeship System,* V. *Barbadoes. Magistrates,* II, 2. *Montserrat. Scarborough Town. Warrants.*

Police Acts. See *Assembly,* House of.

Poor. Act passed by the early colonists in the reign of Charles the Second, for the support of persons who are free and unable to work, *Beaumont* 3995.

Poor Laws. Are essentially necessary for the tranquillity of Jamaica, *Madden* 858.

Population. Industrious habits and a desire for moral and physical improvement is advancing among the negro population, *Rep. p.* viii, *Madden* 1001, *Oldham* 4702, 4703, *Shirley* 5131-5135.——*See* also *Mauritius.*

Portland Parish. Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Letter from Mr. M. Jones to W. G. Nunes, esq., dated 22 September 1835, inclosing rules and regulations for the government of prisoners of this parish, *App. p.* 130——Apprentices work for money on some estates; negro grounds highly cultivated; crop much greater than last year; conduct of masters improving, *App. p.* 157, 158.

Portland Chapel, Ferry Hill. Sum voted by the House of Assembly for the use of Portland Chapel, Ferry Hill, *Burge* 5876.

Port Royal Parish. Returns relative to gaols or houses of correction; regulations adopted for maintaining the internal discipline of the same, *App. p.* 107–117——Summary of letter addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation and expected crop, *App. p.* 146——Apprentices work willingly for wages; are cheerful, industrious and obedient; negro grounds in a high state of cultivation, managers uncertain as to the crop; good feeling between managers and apprentices, *App. p.* 159.

Port Royal Mountains. State of the negro grounds in the parish of Port Royal Mountains and upper part of St. David's, 1 March 1836, *App. p.* 215–217.

Powers of Attorney. Are not necessary for the purpose of constituting another the agent of the party entitled to the service of the apprentice, *Burge* 2719.

See also *Passports.*

Prædial Labourers. Continuous labour to which they may be subjected, *Matthews* 1177——Their apprenticeship to expire on the 1st August 1840, *App. p.* 38. 42——Form of consent by two special justices to the removal of a prædial apprenticed labourer attached, *App. p.* 41.——*See* also *Passports.*

Price, Mr. Has an interest in apprenticed labour, *Beaumont* 4212–4213.

Prices. See *Sugar. Wages,* I.

Prisons. See *Flogging,* II. *Gaols. Houses of Correction. Jamaica. Magistrates,* II. 2. 3. *Workhouses.*

Prisoners. Proportion of prisoners in the Trelawney workhouse belonging to the penal gang, compared with those that were not wearing chains, *Miller* 3964–3966——Opinion that prisoners sentenced at the assizes are confined in the gaol, and those sentenced at the quarter sessions and special justices are sent to the workhouses, *Grey* 5543.

Proprietors of Estates. Whether parties having estates totally unencumbered could make better arrangements with merchants than those did whose estates were mortgaged, *Oldham* 4828–4836——Those who have never been in Jamaica could manage their property, with the aid of the negroes, as well and better than the planter-educated managers, *Beaumont* 4406.——*See* also *Indulgences. Non-resident Proprietors.*

Prosecutions. Have been instituted by order of the governor of Jamaica against persons flogging female apprentices, *Rep. p.* vii, *Oldrey* 2951, *Grey* 5544–5551, *Russell* 5230–5241.
See also *Elizabeth* Parish. *Mason,* Mr. *Calder,* Mr. *Neilson,* Mr. *Planters.*

Pro-Slavery Party. Efforts made by the pro-slavery party in Jamaica to induce special magistrates to resign, and to create discontent among the negroes, have not been very successful, *Oldrey* 2299, 3000——Opinion that they are decidedly opposed to the present system of apprenticeship, and that they use every effort in their power to mar its success, *Oldrey* 3156–3167——There is no such party as this in existence in Jamaica, *Burge* 3308——Papers in the interest of the pro-slavery party complain very much of the conduct of the stipendiary magistrates, *Beaumont* 4349.

Protection to Apprentices. See *Apprentices,* 4.

Protection to Magistrates. See *Magistrates,* II. 4.

Provision Grounds:

1. *Generally.*
2. *Extent of those allowed.*
3. *Distance of them from the Residence of Apprentices and the Markets.*
4. *Objections to the Clause in the Jamaica Act relative thereto.*
5. *Papers laid before the Committee.*

1. *Generally:*

Apprentices have a larger portion of time for the cultivation of them, by working under the nine-hour system, *Rep. p.* vi, *Miller* 3691. 3697, 3698, *Oldham* 4895——Negroes never go to them after six o'clock at night, *Madden* 543–547——Whether they are ever the subject of dispute between masters and apprentices, *Oldham* 4960——Are considered by negroes as their own property, and they are allowed to dispose of them as they please, *Burge* 2747–2750.

2. *Extent of those allowed:*

Special magistrates have the power of examining them to see if they are sufficient, *Madden* 889——No reason why a minimum of land or a maximum of distance could not have been settled by the Jamaica Legislature, *Jeremie* 334–340——Afforded to negroes are of sufficient extent to cultivate sufficient for their support, and send a surplus to market for sale, *Burge* 2791——It is impossible to fix the minimum of land to be allotted to the negro as his grounds, *Burge* 2828——Examination on the subject of provision grounds granted to the negroes, *Burge* 2828——Objection to magistrates interfering to fix either the maximum or minimum of land to be granted to negroes, *Burge* 2839. 2841–2845——Fixing a minimum of the quantity to be allowed to negroes would, in many instances, operate as an injury to them, *Burge* 2828–2836.

3. *Distance of Provision Grounds from the Residence of Apprentices and the Markets:*

From the great distance of the provision grounds and the markets from their huts, negroes are unable to cultivate their grounds to advantage, *Madden* 510–515——Distance of the provision grounds from the estates in the parish of St. Andrew, *Madden* 553, 554——A common case for provision grounds to be 25 miles from any markets, *Madden* 555–557——Distance of the provision grounds from the estate of Dr. Spalding, which caused the negroes to apply for redress; steps taken to remedy the complaints, *Madden* 568–582——In some parishes, are 10 or 12 miles from the market places, *Miller* 3878——Some of them are at considerable distances from the residence of the apprentices, *Madden* 453, *p.* 51, *Beaumont* 4153——State of cultivation of the provision grounds; average extent of them, *Oldham* 4955. 4957–4959——Distance of those on the north side of Jamaica from the estates and the markets generally, *Oldham* 4951–4954——The distance of those in Clarendon and Vere from the estates varied considerably, *Brown* 5736.

Provision Grounds—continued.

4. *Objections to the Clause in the Jamaica Act relative thereto:*

The 46th clause of the Jamaica Act does not prescribe the quantity, quality or locality of those to be granted to apprentices, *Jeremie* 315-317——The Jamaica Act may be easily evaded in all that relates to the provision grounds, *Jeremie* 309-333——Masters have the option of providing maintenance or a sufficient quantity of ground, *Jeremie* 330, 331——Negroes may, under the Jamaica Act, be deprived of some part of the provision grounds they have hitherto enjoyed, *Jeremie* 341, 342——Clause in the Jamaica Act relative thereto; objection made by Mr. Jeremie is unfounded, *Burge* 2828.

5. *Papers laid before the Committee:*

Quantity to be provided for apprentices in Tobago, and within what distance from their residence, *App. p.* 61——Summary of reports on the state of provision grounds in Jamaica, *App. p.* 193.

See also *Allowances. Corn. Davies*, Mr. *Elizabeth, St.*, Parish. *Magistrates*, II. 2. *Markets. Odell*, Mr. *Port Royal Mountains. Rawlinson*, Mr. *Reynolds*, Mr.

Provisions. Are very abundant in Jamaica; they will hardly repay the trouble of sending them to market, *Oldham* 4958. 4964——Quantity of food to be supplied weekly to apprenticed labourers, *App. p.* 39. 42. 45——Substitution of other food, or payment in money in lieu thereof, permitted, *App. p.* 40——In time of scarcity, the governor, by proclamation, may substitute other provisions, *App. p.* 40.——*See* also *Penalties.*

Pryce, Mr. Apprentices on estates under his charge are receiving a great deal of money for extra labour, *Grey* 5522, *p.* 461——Extract of a letter from him to Lord Sligo, dated August 1835, on the subject of the number of hours of labour performed in Trelawney parish, *Grey* 5532.

Public Instruction. Ordinance, dated 12 December 1835, passed in the Mauritius on this subject, and observations thereon, *App. p.* 68.

Public Officer. Might have been appointed, to whom notice could be given in cases of persons quitting the colony, or without leaving any agent, *Jeremie & Beldam* 71.

Public Opinion. Public opinion in Jamaica is decidedly adverse to the interest of the slaves, *Beaumont* 3996——Will, at the expiration of apprenticeship, be directed to the maintenance of civil rights, *Beaumont* 4299.

Public Press. The press of Jamaica is the most intemperate in the world, *Madden* 812——Nearly the whole of the public press in Jamaica is opposed to the present system of apprenticeship, *Oldrey* 3156. 3160.

Public Worship. Apprentices attend regularly to their church, and are very willing to attend when a clergyman assembles them together on their different estates, *Oldham* 4703, 4704——Apprenticed labourers not to be prevented attending any place of religious worship, *App. p.* 38.——*See* also *Churches.*

PUNISHMENTS:

1. *By whom inflicted, and whether more or less frequent since than previous to the passing the Emancipation Act.*
2. *Increase or Decrease in the Severity of those inflicted now and formerly.*
3. *Objections to the Jamaica Acts awarding them.*
4. *Returns of Punishments inflicted.*
5. *Papers laid before the Committee.*

1. *By whom inflicted, and whether more or less frequent since than previous to the passing the Emancipation Act:*

The power of inflicting punishments is altogether transferred to the special magistrate, *Madden* 884——Apprentices cannot be punished in any manner except by order of the special magistrate, *Miller* 3923-3937——Apprentices sentenced by a special magistrate to the penal gang are put in chains, *Miller* 3961——More frequent among apprentices who have been the most ill-treated by the proprietors or overseers, *Oldrey* 3042——A record of the punishments of females in workhouses is submitted to the quarter sessions, *Miller* 3835——The power of inflicting the punishment of death on prisoners should not be given to any but the ordinary tribunals of the colony, *Jeremie* 200.

2. *Increase or Decrease in the Severity of those inflicted now and formerly:*

Greatest number of punishments took place during the three month of the Emancipation Act, *Oldham* 4591——Great decrease in the number of punishments in the last compared with the first year of the Emancipation Act, *Oldham* 4589-4596——Those inflicted by the special magistrates on the first introduction of the Emancipation Act were too severe, *Oldham* 4584. 4587, 4588——There has been a decrease in the severity of those inflicted, *Oldham* 4597-4600——Great decrease in the number of lashes inflicted by the special magistrates, *Grey* 5522, *p.* 461——Progressive diminution of punishments in Jamaica, *Grey* 5636——Opinion that there is very little alteration, if any, in the quantity of punishment inflicted on negroes since the passing the Emancipation Act, *Beaumont* 4028-4042. 4078-4098——Very difficult to insert the maximum of any one mode of punishment inflicted by any special magistrate, *Grey* 5864.

Punishments—continued.

3. *Objections to the Jamaica Acts awarding them:*

Objections entertained by witness to the Jamaica Acts relative to punishments, and evidence thereon, *Jeremie* 82–88——Great disproportion between punishments where the labourer is concerned and where the manager happens to be the delinquent, *Jeremie* 82. 87. 98——Insufficiency of the punishments awarded in the 49th section of the Jamaica Act against the manager, goes far to vitiate the effect of the whole Act, *Jeremie* 374, 375——Objection to the apprentice being withdrawn from the jurisdiction of the special magistrate in any case where the original offence is purely of a domestic nature, *Jeremie* 1056-1061——Necessity for inquiry as to whose jurisdiction they will remain under while in the common gaol or house of correction, *Jeremie* 1055, 1056.

4. *Returns of Punishments:*

Very little reliance to be placed on returns made up in Jamaica, *Beaumont* 4002–4005——Opinion that persons holding the office of special magistrates would have very little care what sort of returns they made, and would make them as they thought best suited their interest, *Beaumont* 4097——Are delivered to the governor on oath, *Oldham* 4585——They are now published in Jamaica, which will afford an additional check on the special magistrate, *Grey* 5641——Very great dependence to be placed upon the returns of punishments made to the governor by the special magistrates, *Grey* 5641——The governor of Jamaica receives returns of time forfeited in the same manner as returns are made of the number of lashes inflicted, *Grey* 5646.

5. *Papers laid before the Committee:*

Analysis of the Act for the summary punishment in certain cases of persons wilfully and maliciously endangering or committing trespasses on public or private property, *App. p.* 34, 35——Return of the number and nature of the punishments inflicted on the apprenticed labourers in the colony of Jamaica, by the special or stipendiary magistrates, specifying the offences for which they were inflicted, separating males from females, between the 1st August 1834 and the 1st August 1835, *App. p.* 160–162——Abstract of the monthly returns of punishments received by the governor of Jamaica from the special magistrates, from 1 August 1835 to 31 March 1836, *App. p.* 162.

See also *Apprenticeship System*, I. *Eight-hour System. Magistrates*, II. 2. *Murders. Offences. Thomas in the East* Parish.

Q.

Qualifications. See *Judges. Magistrates*, II. 1.

Quarter Sessions. A record of the punishments inflicted on females in workhouses is submitted to the quarter sessions, *Miller* 3835——The appointment of quarter sessions recommended, and nature of the causes to be tried there, *Jeremie* 199, 200.

See also *Prisoners. Transportation.*

R.

Ramsay, Captain. Report by him, respecting the conduct of the apprentices in the county of Surrey; state of cultivation, &c., *App. p.* 146.

Ramsay, Mr. Nature and extent of his interest in apprenticed labour, *Beaumont* 4214, 4215.

Rawlinson, Mr. *Stanley.* Letter from him to the Marquis of Sligo, dated 29th February 1836, on the state of the provision grounds of the apprentices in the Brownstown district of St. Ann's, *App. p.* 204.

Rebellion. Cause of the rebellion in Jamaica, *Madden* 506–509.

See also *Holidays.*

Rebellion Act. Still remains in force as law, though not specifically allowed, *Beaumont* 4291.

Reciprocity. See *Jamaica Acts. Penalties. Punishments*, 3.

Reddie, John, Esq. Extract from the comments of this gentlemen on the labour ordinance of 14th November 1835 passed in the Mauritius, *App. p.* 71.

Refusal of Wages. See *Boys. Wages*, II.

Registration of Apprentices. See *Apprentices*, 7. *Negroes. Penalties. Scarlett*, Mr.

Registry Office. It contains individual records of the entire negro population from the period of the first registration in 1817, *Burge* 5177.

Reid, Jane. Report of the Committee of the House of Assembly, dated 14th June 1836, on the circumstances under which she was flogged, *Ev. p.* 522——Evidence of Mr. Edwards before the Committee thereon, *Ev. p.* 523.

Religious Instruction. Great desire among negroes to obtain religious instruction, *Madden* 1001, *Grey* 5681.

Removal of Apprentices. See *Apprentices*, 1. 9.

Removal of Magistrates. See *Magistrates*, II.

Remuneration. See *Medical Men.*

Reports on Provision Grounds. See *Provision Grounds*, 5.

Resident Proprietors. See *Elizabeth, St.*, Parish. *Wages*, I.

Rest. Throughout the first Jamaica Acts, and the subsequent Acts, there is no clause which requires that the labourers should enjoy each day a certain number of hours' continued repose, and evidence thereon, *Jeremie* 113–118, *Matthews* 1177.
See also *Jamaica Acts.*

Retirement Estate. Number of persons employed on this estate, *Shirley* 5057.
See also *Apprentices*, 5.

Returns of Clothing. Are frequently given in to vestries without being verified on oath, *Oldrey* 2911.

Returns of Punishments. See *Magistrates*, II., 1., IV. *Punishments*, 5.

Returns of Wages. See *Magistrates*, II. 1.

Reynolds, Mr. Letter from him to Lord Sligo, dated 8th March 1836, on the subject of the present condition of apprentices, with regard to provisions and the state of their grounds, *App. p.* 199.

Rex v. Slowly. See *Slowly*, Mr.

Rioters. The Jamaica Act for preventing tumults and riotous assemblies, and for the more speedily and effectually punishing such rioters, agrees with the English statutes, *pari casu*, *App. p.* 35.

Roads. See *Females.*

Robertson, Dr. Was never educated as a planter, though a very good planting agent for a considerable number of plantations, *Beaumont* 4406.

Romances. Some of the negro fables and tales are contrived with great ability, *Beaumont* 4406.

Rum. The allowance of rum to negroes has been nearly discontinued on the two estates belonging to witness, *Shirley* 5053, 5054.

Runaway Apprentices. Letter from R. G. Nunes, secretary to Lord Sligo, on the subject of the treatment of habitual runaways, &c., *Madden, p.* 85.
See also *Apprenticeship System*, V.

Rural Districts. In most of them the negroes speak a language perfectly unintelligible to the Englishman, *Beaumont* 3989.

Russell, Robert. (Analysis of his Evidence.)—Four years confidential clerk in the governor of Jamaica's office, 5188–5198——Official reports have been made of females confined in workhouses being flogged, and steps taken by the governor to ascertain their correctness, 5199–5228——Prosecutions have been instituted against different supervisors of workhouses for flogging females, and results, 5230–5241——Inquests are held on the bodies of all persons dying in workhouses and gaols, 5243–5247——The practice of punishing females in workhouses was carried on without the governor's knowledge, 5250–5254——Whether white persons are committed to the workhouses or gaols, 5255–5273——Complaints frequently made immediately after the commencement of the apprenticeship system of the allowances to the negroes being withheld, 5275–5293——Evidence given by witness is entirely derived from the documents which have come before him in his official capacity, 5294–5307——Persons are confined in workhouses for certain offences without regard to their colour, 5307.

S.

St. John, H., Mr. Report from him relating to the conduct and industry of the apprentices in the east part of Jamaica, and the prospect of the crop for the quarter ending in March 1836, *App. p.* 159.

St. John, Mr. *R.* Letter from him to Lord Sligo, dated 2d March 1836, with a report on the conduct of the apprentices and the state of the provision grounds within his district, *App. p.* 218.

Sabbath Day. Previous to and since the passing the Emancipation Act sugar manufacture has been carried on during a considerable part of Sunday in Jamaica, *Beaumont* 4358——It is as well if not more strictly observed in Kingston than in many parts of England, *Grey* 5681, *p.* 494.

Salaries. Of the assistant judges of the supreme court in Jamaica, *Burge* 3415——Of the assistant judges of the assize courts for the counties of Cornwall and Surrey, *Burge* 3415——Of the chief justice of Jamaica, *Burge* 3416, 3417——Of special magistrates, *Beaumont* 4252.——*See* also *Magistrates*, II. 1.

Sales of Lands. See *Crown Lands. Land*, 2. *Plantations.*

Salt. Is classed among the indulgences granted to apprentices, *Oldham* 5005.

Salt Fish. Does not come within the description of maintenances and allowances granted by the Slave Act, *Burge* 2744, 2745——Is sometimes given as a substitute for herrings, *Burge* 2821, 2822——Is absolutely necessary as a medicine in Jamaica, *Oldrey* 3124 Apprentices have been deprived of it since August 1834; it was allowed them as slaves, it being considered requisite for the preservation of their health, *Jeremie* 228*–234, *Madden* 453, *Oldham* 4656. *Brown* 5689, *App. p.* 249.

Saturday. Apprentices object to work on Saturday; they prefer being employed in their provision grounds, *Oldham* 4895.

Savings' Banks. There are no savings' banks in Jamaica; very desirable to introduce them, *Oldham* 5010, 5011. 5014——There would be no indisposition on the part of the legisture of Jamaica to sanction their introduction, *Oldham* 5012.

Scarborough, Town of. Analysis of the Act for regulating the police of this town, *App. p.* 75——Analysis of the Act for the better regulation of the gaol in this town, and remarks thereon, *App. p.* 76.

Scarlett, Mr. Considerable number of negroes on his property obtained their freedom in consequence of not being correctly returned in the last registration, *Burge* 5173.

Schools and School-Rooms. Great want of schools in Jamaica for the general use of the negro community, *Rep. p.* viii, *Shirley* 5132——Those at present existing in Jamaica are extremely inadequate for the purposes, *Grey* 5609, 5610——Are much more prevalent now than formerly; they are left entirely to the management of the proprietors, *Shirley* 5131–5134——There are no schools on witness's property, *Jones* 5425–5438——If schools were established the children of negroes would attend them from their novelty, *Jones* 5430–5433——Considerable expense has been incurred in the erection of schools; they are free schools, *Oldham* 5021. 5023——Statement showing the appropriation of 20,000*l.* and 5,000*l.* voted by Parliament in 1835, in aid of the erection of school-houses and normal schools, *App. p.* 219.
See also *Negro Education. Normal Schools. Parliamentary Grants.*

Scott, Mr. Wages paid to apprentices employed by him on Saturday, *App. p.* 165.
See also *Wages*, VI.

Seamen. Are frequently sent to the workhouses by order of the magistrates, *Oldham* 4645–4649.

Seasons. Those of 1835 and 1836 were finer than for many years previously, *Oldham* 4857, 4858.

Sentences. No difficulty in carrying them into execution in Jamaica, *Oldrey* 3047.

Servants' Wages. See *Wages*, V.

Sessions. See *Petty Sessions. Quarter Sessions.*

Seven-Hour System. See *Children.*

Seven Rivers Estate. Plan for taking off the sugar crop of this estate for 1835, *Miller* 3556, 3557——Number of persons employed thereon, *Miller* 3558.
See also *Carters. Cane Cutters. Distilleries. Wages*, IV. 1.

Sexes. See *Penal Gangs.*

Shad. Negroes prefer the shad to any fish sent from England, *Oldham* 4688——The allowance of shads was discontinued, after the Emancipation Act, to apprentices on estates in Lower Clarendon, *Brown* 5689.——*See* also *American Fish.*

Shand, Mr. Opinion given by him as to a slave proprietor being obliged to provide a certain description of clothing and provisions for the support of his negroes is erroneous, *Burge* 2779–2804——Number of estates in Jamaica under his management, *Burge* 2823–2827.

Shell Blow. Whether the collection of negroes by shell blow is notorious enough, as to make those punishable who do not attend, *Madden* 496. 530, *Beaumont* 4412–4425.

Shirley, Henry. (Analysis of his Evidence.)—Proprietor of estates in Jamaica, and member of the House of Assembly, 5025–5031——Opinion that negro apprenticeship system, generally speaking, works well, 5032–5035——Evidence respecting the arrangement made by witness with the negroes on his estates as to the number of hours of labour and the wages they were to be paid, 5036–5048——Amount paid for wages between the 1st August 1834 and the 1st August 1835 on witness's estates, and examination thereon, 5049–5070——The same quantity of work done now as previous to the apprenticeship system, 5073–5075——Decrease in the produce of the estates, and cause to which attributable, 5076–5086——Reason the crop of 1836 will be deficient in Trelawney, 5087–5090——In what the difference between witness's system of management and that generally followed in Jamaica consists, 5092–5095——Negroes would have been dissatisfied if witness had stopped the extra allowances, and not given them higher wages, 5094, 5095——Interest of the compensation money will not enable the planters to pay wages enough.

Shirley, Henry. (Analysis of his Evidence)—*continued.*

enough to procure the same quantity of sugar to be raised as was raised during the slave system, 5096——Other proprietors have adopted witness's mode of management, 5097–5098——Further evidence respecting the system of management pursued by witness, and beneficial results therefrom, 5099–5106——Evidence respecting the Bill introduced by witness for permitting the marriages of negroes by dissenting clergymen, and nature of the objections made thereto in the House of Assembly, 5107–5117. 5122–5125——No doubt that the missionaries have been very beneficial to the negro population, 5118–5221——Opinion that a majority of the whole population belong to dissenting communions in Jamaica, 5126–5128——System of schools much more prevalent now than formerly; it is left entirely to the management of the proprietors, 5131–5134——Whether the whip was not in frequent use prior to the abolition of slavery, 5138–5145——Difference in the number of hours of labour required of apprentices during crop time now and formerly, 5146–5153——Comparative state of the negro now during apprenticeship with what it was during slavery, 5157–5159——No need of any distinction being made between the white population and the negroes after the period of apprenticeship, 5162–5168——Influence possessed by the educated over the uneducated part of the population, 5167, 5168.

Shirley, Mr. Preparations made on his property for the emancipation of negroes, attended with beneficial results, *Madden* 1024——Whether the practice adopted on estates belonging to him, of withholding indulgences and giving compensation by increasing the rate of wages, has been generally adopted on estates in Jamaica, *Gray* 5675, 5676.

See also *Wages,* IV. 1.

Silver Coins. Plenty of silver fivepenny pieces in Jamaica at all times, but none less till lately, *Jones* 5443–5445——The House of Assembly directed witness to remit the sum advanced on the credit of the island of Jamaica in small silver coins, *Burge* 5518——Three-halfpenny and threepenny silver pieces have been coined in this country and sent to Jamiaca, for the purpose of enabling the proprietors of estates to pay wages to their apprentices, *Burge* 5518——Facility afforded by the Government in the export from this country of silver coin for the use of the proprietors of estates in Jamaica, *Burge* 5518.

"Sitting-down People." During slavery they were a recognized class of persons, it is an expression perfectly understood in Jamaica, *Grey* 5523.

Slander. Punishment of apprentices for uttering any slander against their employers, *App. p.* 40.

Slave Trade. It was supported by the London, Liverpool and Bristol merchants, not by the planters of Jamaica, *Burge* 5187.——*See* also *Assembly,* House of.

SLAVERY, Abolition of:

1. *Generally.*
2. *Papers laid before the Committee.*

1. *Generally:*

Act for, is the only law which relates both to the provision ground and maintenance and allowances, *Burge* 2734–2737——Has always been considered as the only law obligatory upon the owner as to supplying his slave or apprentice with grounds, provisions, clothing, maintenance, *Burge* 2759——The total emancipation of slaves would have prevented the necessity of appointing special magistrates, *Beaumont* 3991——If freedom were established, many of the plantations of Jamaica would be cultivated entirely under the direction of black managers, *Beaumont* 4275——The security afforded by the Slave Trade Abolition Act was greatly increased by the Jamaica Act of 1816, from the very extensive powers given to the naval officer, and its various provisions, *Burge* 5169——No instance in which an evasion of these Acts has occurred in Jamaica, *Burge* 5169.

2. *Papers laid before the Committee:*

Act to repeal certain clauses of an Act entituled, "An act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the Reciprocal Duties between them and their Employers in Barbadoes, and to substitute other clauses in the place of such repealed clauses," *App. p.* 38–41——Act to repeal certain clauses and to alter and amend an Act, entituled, "An Act for the Abolition of Slavery in the Island of St. Vincent, and its dependencies, in consideration of compensation, and for promoting the industry and good conduct of the manumitted Slaves," *App. p.* 42–44.——*See* also *Jamaica. Pro-Slavery Society. West India Colonies.*

Sligo, Lord. Instructions given to him to prevent the continuance of the evils arising from the present system of appraisement, *Rep. p.* v——Instructions given by him to the attorney-general to defend witness against the prosecutions of Mr. Mason, *Oldrey* 2969, 2970——Extent of proclamation issued by him as to the number of hours apprentices were to work, *Madden* 485, *Beaumont* 4444——Reports sent by him to the Colonial-office, respecting the state of Jamaica, are very full, *Grey* 5520——Extract from his despatch, dated 28 November 1835, as to the favourable working of the present system, *Grey* 5522——His opinion that there has been no increase of crime since the emancipation of the negroes, and reason for that opinion, *Grey* 5522.

Sligo, Lord—*continued.*

Extract from his despatch, dated 13 December 1835, respecting the mutual confidence existing between master and apprentices, *Grey* 5522——Another extract from despatch, dated 1 January 1836, on the same subject, *Grey* 5522, *p.* 460——His opinion that in some cases the eight-hour system was adopted for the purpose of annoying the negroes, *Grey* 5532–5536——The fullest information has been afforded by him on every point connected with the working of the apprenticeship system, *Grey* 5538——Formerly supported the eight-hour system, but is now exerting himself to introduce the nine-hours system, *Grey* 5530——Recommended that the prison regulations should be entered in the workhouse books of each parish or house of correction, *Miller* 3838–3843——Instructions have been given him to proprose to the Colonial Legislature that the law regarding valuations should be the same in Jamaica as in the Crown colonies, *Grey* 5569——He has discountenanced as much as possible the infliction of corporal punishment, *Grey* 5865——Letter from him to the special magistrates of the island of Jamaica, dated 1 January 1836, containing instructions as to their duties, &c. *App. p.* 229–237.

See also *Eight-Hour System. Females. Flogging*, III. 3. *Jamaica*, Governors of. *Magistrates*, II. 1. *Nine-Hour System. Wages*, III.

Slowly, Mr. The supervisor of the workhouse at Trelawney, tried and convicted of flogging a female, *Miller* 3850–3854, *Oldham* 4604–4609, *Burge p.* 317, *Ev. p.* 523, *Russell* 5241, *Grey* 5547, 5548——Evidence of Mr. Holder, taken before the committee of the House of Assembly, relative to the proceedings in the case of Rex *v.* Slowly, *Ev. p.* 524.

Small Debts, Recovery of. Act to facilitate the recovery of small debts in Jamaica has been re-enacted, and is now in force, *Burge* 3433.

Small Proprietors. See *Indulgences.*

Smyth, Sir C. Extract from a despatch from him, dated 4 March 1835, relative to the number of assaults committed on Europeans in British Guiana since the passing the Emancipation Bill, *Grey* 5671.

Society for the Propagation of the Gospel. This society offered to expend 2,500 *l.* in the education of negro children, provided the Government advanced a similar sum, *Grey* 5598–5604.

Solitary Confinement. The owner of property has the power of inflicting it; it is open to very great abuse, *Madden* 900, 901——Is sometimes inflicted by special magistrates in the place of flogging, *Madden* 880.

Sooley, Mr. Was a very useful person to be appointed a special magistrate, *Beaumont* 4110——Has an interest in apprenticed labour, *Beaumont* 4216–4219.

Spalding, Dr. Distance of the provision-grounds on his property from the huts of the apprentices, *Madden* 511——Removed the slaves from one estate to another for his own interest, *Madden* 850——*See* also *Provision Grounds*, 3.

Spanish Town. Greater part of the planters and managers of estates there are opposed to the present system of apprenticeship, *Oldrey* 3164.

Special Constables. See *Apprentices*, 9.

Special Magistrates. See *Magistrates*, II.

Spell. Explanation of the term, *Beaumont* 4056——In keeping spell there is no time allowed for taking meals; they eat as they find opportunity, *Beaumont* 4352——Number of hands required to keep the spell on large estates, *Oldham* 4796——On small estates, *Oldham* 4796——The spell is not kept at Mount Pleasant estate, the quantity of sugar being made in the day-time, *Oldham* 4924–4928——There are three gangs upon every estate besides grass-cutters, *Shirley* 5044.

Spencer, Job. He was indicted and convicted of an assault on a female apprentice, and sentence passed upon him. *Grey* 5543.

Spring Planting. Whether, during slavery, the spring planting was not generally done by the job, *Miller* 3663–3672——*See* also *Sugar.*

Stanley, Lord. His opinion that the special magistrate should have the power of compensating, out of the fine, the apprentice for the injury which he may have sustained from his employer, *Rep. p.* iv, *Burge* 2807——Objection made by him to the want of reciprocity in the amount and application of penalties inflicted by special magistrates, has not been attended to by the colonial legislature, *Rep. p.* iv——Extract from his despatch to Lord Sligo, dated 20 February 1834, respecting the application of fines imposed by the Abolition Act, *Burge* 2807.——*See* also *Medical Attendance. Penalties.*

Stanley, Mr. Statement made by him that the magistrates appointed under the Abolition Act should be totally unconnected with local property, has not been verified, *Beaumon* 4224, 4225.

Steam Engines. Since the abolition of slavery steam-engines have been employed on some sugar estates, *Oldham* 4807. 4932–4939. 4963–4967——But few steam-engines have been imported into Jamaica, *Oldham* 4934——They might be advantageously employed in the manufacture of sugar, *Oldham* 4937–4939.——*See* also *Machinery.*

Stipendiary

Stipendiary Magistrates. See *Magistrates*, III. *Pro-Slavery Party.*

Stocks. Previous to August 1834 were generally found in hot-houses, *Madden* 615.

Stokers. Wages of, working nine hours per day, *Miller* 3556.

Sugar. West Indian merchants founded their whole objection to the abolition of slavery on the necessity for the manufacture of sugar being carried on continuously, *Jeremie* 119, 120. 124——Average price per hogshead; weight per hogshead, *Miller* 3641, 3642——Selling price of sugar would depend on the weight of the hogshead, *Miller* 3644——Has increased in price since the apprenticeship system came into operation, in consequence of the labouring classes being in full operation, *Oldham* 4853——Whether, under the apprenticeship system, managers are able to carry on profitably the manufacture of sugar, *Miller* 3720–3726.

If the price of sugar declines to that of 1830 to 1834, a large portion of the estates in Jamaica will be discontinued, *Oldham* 4855——Proportion of sugar raised on witness's property in 1835 as compared with 1833 and 1834, *Jones* 5379–5383——Quantity of sugar made on estates under witness's management previous to and since the apprenticeship system, *Oldham* 4802–4816——Opinion that at the expiration of the apprenticeship sugar cultivation will not be carried on so advantageously for the planter as it has been, *Oldham* 4837–4839. 4854–4856. 4865, 4866——Decrease in the quantity of sugar from Jamaica, taking the whole island, and cause to which attributable, *Oldham* 4859–4861. 4867——Account of total produce made on 12 sugar estates in Jamaica, *App. p.* 228.

See also *Esher Estate. Machinery. Nornis Estate. Orange Hill Estate. Sabbath-Day. Steam Engines.*

Sugar Crop. Of 1835 ought to have been a very large one from the favourable seasons experienced, *Miller* 3597——Period they commence planting the sugar cane, *Miller* 3613–3618——On all the estates under witness's management were taken off with wages from the commencement, *Miller* 3604——Number of crops of sugar carried off during witness's residence in Jamaica, *Oldrey* 3431, 3432——There would have been a falling off in the crop on the estates under witness's management the first year of the apprenticeship had not the negroes agreed to work for wages, *Oldham* 4811——Extent of the crop depends entirely on when the plant is put in, *Miller* 3612——In some districts a spring plant answers better than a fall plant, *Miller* 3614——Difficulty in carrying on the planting of canes at the same time with the crops on estates planted in the spring, *Miller* 3616.——*See* also *Albion Estate.*

Sugar Estates. See *Kingston Parish*, 1. *Westmoreland Parish.*

Summary Punishments. See *Punishments*, 4.

Summonses. Jamaica Acts are very defective in not having provided proper forms of summonses, &c., *Matthews* 1177——Witness had considerable difficulty after he had issued them of getting them served, *Brown* 5740, 5741.

See also *Justice*, Administration of.

Sun Dials. Negroes do not know how to consult them, *Madden* 492.

Supervisors of Workhouses. They have been convicted of inflicting the lash on females, *Grey* 5545–5550——They act under the directions of the visiting magistrates, *Grey* 5552–5557.

See also *Elizabeth, St.*, Parish. *Females. Indictments. Penal Gangs. Prosecutions. Slowly*, Mr. *Trelawney House of Correction.*

Supplies. Those sent by London merchants to Jamaica have rather increased since the passing the Abolition Act, *Burge* 2733——Are generally the last measure voted by the House of Assembly in Jamaica, *Burge* 3279.

Supply of Labour. See *Labour. Wages*, I.

Supreme Court. Have the power of controlling improper conduct on the part of local magistrates in case of a determination on their part not to concur in the certificate of discharge or in a fair valuation, *Burge* 2671–2679. 2681——Would not interfere in cases of a mere difference of opinion between the local magistrates and the special magistrates, *Burge* 2677–2679——Of whom it is composed, *Burge* 2692–2695.

See also *Apprentices*, 8. *Magistrates*, I.

Surrey, County of. Summary of letters addressed to Lord Sligo by magistrates of this county, in answer to circular requiring reports upon the state of the several districts' the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and expected crop, *App. p.* 146——Comparative list of slaves and apprentices in the houses of correction in the several parishes of this county, in Jamaica, antecedent and subsequent to the 1st August 1834, *App. p.* 163.

Switching. Manner in which it is inflicted, and nature of the instrument used, *Beaumont* 4491–4493, *Oldham* 4598–4600——Difference between the term switching and flogging, *Beaumont* 4493–4500——Whether it is inflicted under any particular orders from the special magistrates, *Beaumont* 4497, 4498——Are never used in punishing females on plantations, and only one case, to witness's knowledge, in workhouses, *Oldham* 4603–4605.

Syphon Men. Wages of, working nine hours per day, *Miller* 3556.

T.

Taite, Mr. Apprentices on his estate would not give any of their time to him, but hire themselves out to other persons, *Oldrey* 3430.

Task Gangs. Receive no more wages than negroes that are paid fair wages, *Jeremie* 179.

Task Work. Was carried on extensively previous to the apprenticeship system on estates under witness's management, *Miller* 3621–3624.

Thefts. Petty thefts rather increasing in the parish of St. Elizabeth, *App. p.* 140.
See also *Allowances*, 3. *Police*, 2. *Provision Grounds*, 5.

Thomas, Lieut. *Joseph, R.*, R.N. Return of the state of the provision grounds on the different properties under his charge, *App. p.* 201.

Thomas in the East, St., Parish. Great decrease of punishments in this parish since the passing the Emancipation Act, *Beaumont* 4082——Special report made by magistrate of this parish of females being flogged, and steps taken by Lord Sligo thereon, *Russell* 5210–5218, *App. p.* 107–117——Rules and regulations for the house of correction in this parish, *App. p.* 123, 124——Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and expected crop, *App. p.* 145–146——Report on the same subject, for the quarter ending in March 1836, *App. p.* 158, 159——Negro grounds cultivated to a much greater extent than formerly, *App. p.* 158——Crops of this parish will fall off considerably; not to be ascribed to the effects of the Abolition Act, but partly because the canes have not yielded that liquor which their appearance promised, *App. p.* 158, 159——Report of the state of provision grounds in this parish, *App. p.* 215.——*See* also *Ploughs.*

Thomas in the Vale, St., Parish. Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined; *App. p.* 107–117——Rules and regulations for the house of correction, gaol and hospital attached thereto, *App. p.* 125–127——Summary of letter addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospect of the ensuing crop, *App. p.* 143——Abstract of report on the same subject, for the quarter ending in March 1836, *App. p.* 153, 154——Complaints against gangs less frequent during the last three months; state of cultivation; fair average crop expected; kind and considerate conduct of masters, *App. p.* 153——Report on the state of the negro provision grounds on the several properties within this parish on the 22d, 23d and 24th February, 1st and 2d March 1836, *App. p.* 211–215.

Thompson, Mr. Two reports from him on the state of the negro grounds in the district under his charge, *App. p.* 198.

Thompson, Anna Maria. Verdict given by the jury composing the inquest held on her body at Buff Bay, *Grey* 5540.

Three Halfpenny Pieces.
Three Penny Pieces. } See *Silver Coins.*

Tobago. An Act to amend an Act, intituled "An Act to carry into effect the provisions of an Act of the Imperial Parliament of Great Britain and Ireland," intituled "An Act for the Abolition of Slavery throughout the British Colonies, for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the services of such slaves," *App. p.* 61, 62——Act to provide for the building of places of confinement and punishment, and to establish a police force in the island, and for the repeal of certain clauses in the above-mentioned Act, *App. p.* 62–65——Observations on certain Acts relative thereto, *App. p.* 75, 76.

See also *Assaults. Hours of Labour*, 2. *Police*, 2. *Provision Grounds*, 5. *Tonnage Duty. Treadmills. Trespass.*

Tonnage Duty. Monies received as tonnage duties from vessels entering the ports of Tobago, to be applied towards building places of confinement there, *App. p.* 64.

Towns. The public system of education is confined to the population of large towns, *Shirley* 5132.

Transfers of Apprentices. Has been made from one employer to another, and sum realized from the transfer, *Oldham* 4989–5000.——*See* also *Apprentices*, 1.

Transportation. Power of inflicting transportation should not be given to justices in quarter sessions, *Jeremie* 200.——*See* also *Hudson*, Mr.

Treadmills. Special magistrates are the only persons authorized to order the treadmill, *Madden* 881——All females who cannot be corporally punished are generally sent to the treadmill, *Madden* 915——Is used for females to work on, in workhouses, *Russell* 5248——Instances of the lash having been inflicted on females while working on the treadmill,

Treadmills—continued.

mill, *Oldrey* 3187–3200——No instance in the parish of St. Elizabeth of a free female having been placed on the treadwheels in the gaol there, *Oldrey* 3208, 3209——Corporal punishment has been used to compel labour in the treadwheel, *Grey* 5543.

Act for the regulation of the treadmill at Kingston, *App. p.* 74——To be established in the windward quarter of the island of Tobago, *App. p* 6[illegible]——Act for the regulation of the treadmill at Kingston, and observations thereon, *App. p.* 74——In the island of Carricon, *App. p.* 75.——*See* also *Flogging*, II. *Police*, 1.

Trelawney Parish. The nine-hour system more generally adopted in this parish than the eight-hour, *Miller* 3700——The whole of the estates in this district have adopted the nine-hour system, *Grey* 5532——No instance of females being flogged in the workhouse of this parish, *Miller* 3826——Report from magistrates of this parish that females were flogged in the workhouse there, *Russell* 5203——There will be a decrease in the crops of 1836 in this parish, and reason therefor, *Shirley* 5076–5090.

Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined, *App. p.* 107–117——Rules and regulations for the government of the gaol of this parish, made at a special sessions of the peace held at Falmouth on the 21st July 1835, *App. p.* 120, 121——Rules and regulations for the house of correction and hospital attached thereto, *App. p.* 121, 122.

Summary of letters addressed to Lord Sligo, in answer to a circular requiring reports upon the state of each district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospects of the ensuing crops, *App. p.* 138——Reports, for the quarter ending in March 1836, *App. p.* 147, 148——District orderly and tranquil; crops and works more forward than this time last year; cane very thin and dry; conduct of masters kind and considerate, *App. p.* 147——Reports from the special magistrates of this parish on the state of the negro grounds in their respective districts, *App. p.* 200, 201——*See* also *Apprentices*, 5. *Markets. Prisoners. Villages.*

Trelawney House of Correction. The supervisor of the Trelawney house of correction was dismissed by the magistrates for inflicting corporal punishment on females, *Burge* 3251, 3252. 3255——Statement respecting the prosecution and conviction of the supervisor of the Trelawney workhouse for flogging females, *Burge, p.* 317.

See also *Slowly*, Mr.

Trespass. Observations on the Act for the summary punishment in certain cases of persons wilfully and maliciously endangering or committing trespasses on public or private property, *App. p.* 34, 35——Punishment of apprentices for committing any trespass on employers' property, *App. p.* 40——Act for the prevention of trespasses in the island of Tobago, and observations thereon, *App. p.* 75.

Trew, Rev. Mr. Has been sent out by the trustees of the Mico charity for the purpose of superintending the system of instruction proposed by them to be carried into effect, *Grey* 5681——Extract from two letters from him, dated 31 December 1835 and 16 May 1836, relative to the improvement that had taken place with respect to the religious feelings, &c. of the negro population of that colony, *Grey* 5681, *p.* 494, 495.

Trials. Witness never knew an instance in which the negro was not present at his trial, *Madden* 964.——*See* also *Apprentices*, 4.

Triangles. Instances of their being placed on estates under the jurisdiction of a certain magistrate, *Oldrey* 3022–3025.

Trinidad. Not such inequalities of land there as in Jamaica, *Burge* 2838——Observations on certain Acts passed for the government of this island, *App. p.* 76.

See also *Contracts. Ordinances.*

Trinity Estate. See *Marlton*, Mr.

Tropical Climates. See *Diseases.*

Tryall Estate. See *Marlton*, Mr.

Twilight. There is no twilight of any extent in Jamaica, *Oldrey* 3232.

U.

Union School. Sum voted by the House of Assembly towards the support of the Union School at Kingston, *Burge* 5876.

Unlawful Assemblies. The Act for preventing tumults and riotous assemblies in Jamaica, and for the more speedily and effectually punishing such rioters, corresponds with the English statutes in *pari casu*, *App. p.* 35.

Unoccupied Land. See *Negroes.*

V.

Vagrant Act and Vagrancy. A recent Act constitutes it an act of vagrancy for the apprentice of one property to be found in the negro hut of another, *Madden, p.* 51——The passing a vagrant Act in Jamaica would be virtually re-enslaving the apprentices, *Madden* 859. 867——Of 1834 was passed by the House of Assembly for the purpose of introducing a modified system of slavery at the expiration of the apprenticeship, *Beaumont* 4278. 4287, 4288. 4293–4295——Some description of vagrant Act will be very requisite at the expiration of the apprenticeship, *Oldham* 4733–4740——Whether the Vagrant Act of 1834 has or has not been disallowed, *Beaumont* 4279–4286——Analysis of the Vagrant Act passed 12 December 1833, by Mr. Beldam, *App. p.* 27–31——Notes and references on the Act passed in St. Kitts for the punishment of vagrancy and other offences committed by idle and disorderly persons, *App. p.* 72–74.

See also *Assembly*, House of. *Workhouses.*

Value of Land. See *Apprenticeship System*, V. *Jamaica. Land*, 2.

Vere, Parish of. Return relative to gaols or houses of correction, *App. p.* 107–117——Rules and regulations attended to in the management of the Vere house of correction and gaol, *App. p.* 119, 120——Summary of letter addressed to Lord Sligo, in answer to a circular requiring reports upon the state of the district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the expected crop, *App.* p. 142——Report on the same subject, for the quarter ending March 1836, *App. p.* 152——Much less crime than last year; more forward with their work than at this time last year; a great deal of sugar already made, *App. p.* 152——Statement of the cultivation of the apprentices' grounds in this parish, 9 March 1836, *App. p.* 207–209.

See also *Herrings. Markets. Ploughs. Provision Grounds*, 3. *Wages*, IV. 1.

Vestries. The question of the sufficiency of the clothing of the apprentice is referred to them, not the amount of it, *Jeremie* 393, *Madden* 889, *Burge* 2812–2819, *Oldrey* 3110–3116, *Oldham* 4650——Careless manner in which the business of those in Jamaica are conducted, *Oldrey* 2913——Have the sole right of determining the sufficiency of the clothing for apprentices, *Oldrey* 3112——No vestry law can be opposed to the law of the island or to the Imperial Act, *Oldrey* 3186.

See also *Clothing. Magistrates*, II. 2.

Villages. There are more villages in the parish of Trelawney than in the generality of parishes, *Miller* 3880.

Vincent, St., Island of. Act to legalize the police settlement of the windward division of this island as a place of confinement and punishment, *App. p.* 44, 45——Observations on certain Acts passed for the government of this island, *App. p.* 74, 75——Act to repeal certain clauses, and to alter and amend an Act, intituled, "An Act for the Abolition of Slavery in the Island of St. Vincent and its dependencies, in consideration of compensasation, and for promoting the industry and good conduct of the manumitted slaves," *App. p.* 42–44.——*See* also *Police*, 2.

Virgin Islands. Observations on the Act for improving the administration of criminal justice in the Virgin Islands, *App. p.* 74.

Voluntary Contracts. Regulations have been passed by the local legislature for enforcing the punctual performance of voluntary contracts with apprentices, *Burge* 3351–3353.

Voluntary Contributions. Large sums of money have been subscribed by private individuals for the promotion of education, &c., *Burge* 5877, 5878. 5888.

W.

WAGES:

I. *Generally.*
II. *Unwillingness of Apprentices to work for Wages at the Commencement of the Apprenticeship System.*
III. *Willingness of Apprentices to work for Wages.*
IV. *Amount of Wages paid on certain Estates.*
1. Generally.
2. For extra Labour.
3. To Jobbing Gangs.
4. Period when paid.
V. *Opinions on the Remedies of the Apprentices to recover Wages.*
VI. *Papers laid before the Committee.*

I. *Generally:*

Apprentices have not the power of inflicting serious injury on their employers by refusing to work for wages during extra hours, *Jeremie* 175–180——Opinion that the negroes expected to have received wages at the first commencement of the apprenticeship system, *Miller* 3470—— No indisposition on the part of managers to offer wages, *Miller* 3607–3611, *Brown* 5711–5713——Those offered by witness were more than the ordinary proceeds of the estate would properly afford, *Miller* 3625–3628. ——Principle which guided witness in estimating the amount of wages, *Miller* 3624–3647——Difference in

the

Wages—I. *Generally*—continued.

the rate of wages paid, and causes thereof, *Miller* 3634–3636——The inability of the majority of the resident proprietors to pay the negroes for their own time one of the reasons why the apprenticeship system has not worked well, *Madden* 453, *p.* 50——The rate of wages can bear no reference either to the price of provisions or to the supply of labour in Jamaica, *Shirley* 5070.

II. *Unwillingness of Apprentices to work for Wages at the Commencement of the Apprenticeship System:*

Witness never knew an instance of a negro refusing to work for wages where they had not some grievance to complain of, *Madden* 835–837——Instances in which whole gangs on many estates would not take wages at the commencement of the apprenticeship system, *Miller* 3603——Apprentices at the commencement of the apprenticeship system would not make any arrangement for wages in return for labour, *Miller* 3598–3604, *Beaumont* 4061——Negroes at first were very much averse to work for money, *Jones* 5435, 5436. 5443. 5447, 5448, *Grey* 5658, 5659. 5664——Their willingness to work for wages will be less at the expiration of the apprenticeship than now, *Beaumont* 4269, 4270——Opinion that apprentices will refuse to work for wages when they become perfectly free, *Jones* 5418–5428——Opinion that they will at the expiration of the apprenticeship system work for wages, without having recourse to the fastnesses in the interior of the island, *Oldham* 4715, 4716, *Shirley* 5160.

III. *Willingness of Apprentices to work for Wages:*

Apprentices are very willing to work for wages, whenever they are fairly treated by their employers, *Rep. p.* viii, *Grey* 5863, *App. p.* 138–152——Willingness of negroes to work for wages greatly increased, and is progressively increasing, *Grey* 5521, *Oldham* 4692–4697——Apprentices are very willing to work all night for wages; the managers will not allow it, and reason why, *Oldham* 4794, 4795——Extract from a despatch from Lord Sligo, that the system of working for wages is becoming general throughout the colony, *Grey* 5522——General result of information from Jamaica, is that apprentices are willing to work for wages in their own time, *Grey* 5658——In witness's district the apprentices with one exception agreed to work for wages, *Brown* 5687, 5688——Experiment of giving negroes wages for labour tried successfully on two estates, *Miller* 3489–3502. 3509. 3533, 3534. 3545. 3565–3572.

IV. *Amount of Wages paid on certain Estates:*

1. Generally:

Average wages paid to ordinary domestics in Jamaica, *Burge* 2671——To boilers, *Oldham* 4747, 4748——Of field negroes, *Burge* 2671——Average rate of wages in Clarendon, *Brown* 5711——At Seven Rivers, *Miller* 3556——In Vere, *Brown* 5711——Sum paid by witness for wages since August 1834, *Oldham* 4812. 4815, 4816——Return of estates on which wages have not been offered as contained in the Blue Book is incorrect, *Oldham* 4868–4870.

Further evidence respecting the amount paid by witness as wages since August 1834, and number of persons receiving the same, *Oldham* 4887–4931——Average sum paid as wages weekly at Seven Rivers during the cropping season of 1835, *Miller* 3557–3559——Amount paid for wages between the 1st August 1834 and the 1st August 1835, on the Hyde Hall and Etingdon estates, *Shirley* 5049–5070——Average wages per week on Mr. Shirley's estates, *Shirley* 5037——Arrangement made by witness with his apprentices as regards the amount of wages to be paid them, *Shirley* 5036–5048. 5099–5106——Average wages given to apprentices on witnesses property, *Jones* 5318——Average rate of wages paid for digging cane-holes per acre, *Jones* 5361——There is no tendency in the rate of wages to increase, *Oldham* 4942–4950.

2. For extra Labour:

If the time allowed by law is justly distributed it will not be necessary to pay extra wages, *Jeremie* 178——Sum paid by witness for extra labour on his property during the year, *Oldham* 4815, *Jones* 5390–5398——Witness paid wages on all estates under his management for extra labour, *Miller* 3517. 3533——Apprentices give their extra time for inadequate wages, owing to their not being well informed as to the real value of their own labour, *Madden* 483, 484, *Beaumont* 4368. 4371, 4372. 4379–4381. 4393.

3. To Jobbing Gangs:

Average wages paid to a negro belonging to a jobbing gang, *Beaumont* 4063——Rate of wages given to jobbers depends entirely on the nature of the soil, *Miller* 3676–3682——Of jobbing gangs, *Oldham* 4670. 4674, 4675. 4678–4680——Amount paid to proprietors of jobbing gangs for the labour of their slaves during crop time, *Beaumont* 3994——Witness pays the same wages to the apprentices now as he did to the jobbers previous to the Emancipation Bill, *Jones* 5372——Witness never offered less than what was given as the price of jobbing labour, *Miller* 3638.

4. Period when paid:

Evidence respecting the period when apprentices are paid their wages, *Burge* 3368–3380, *Oldrey* 3428–3430, *Miller* 3527.

Wages—continued.

V. *Opinions on the Remedies of the Apprentices to recover Wages:*

The apprentice has no civil remedy, the master may be fined, but the wages will not be forthcoming to the apprentice, *Jeremie* 1095——There is no clause in the Jamaica Abolition Act that prevents an apprentice, if a debt was due to him for wages, from suing for that debt in a court of law, *Burge* 3332, *p.* 317——Extent to which special magistrates may adjudicate in cases of claims for wages, *Burge* 3346, 3347——The Act respecting servants' wages did not extend to the case of apprentices, *Burge* 3349——Complaints are sometimes made by apprentices of their wages being withheld, *Miller* 3881——Instances in which special magistrates have awarded wages to be paid to negroes and *vice versâ*, *Miller* 3881–3889.

VI. *Papers laid before the Committee:*

Wages paid to apprentices employed by Mr. Scott on Saturdays, *App. p.* 165——Number of estates where wages have neither been offered or refused, *App. p.* 134–137——Rate of wages paid and accepted by apprentices in Jamaica, *App. p.* 163–165——Account of money paid by Mr. Macneel, of Westmoreland, to apprentices during the last year for labour performed by them in their own time, *App. p.* 228.

See also *Agreements. Apprentices*, 9. *Boiler-men. Carters. Children. Combination. Compensation Money. Distilleries. Dry-thatch Carriers. Etingdon Estate. Hoework. Hours of Labour*, 3. 4. 7. *Jobbing Gangs. Labour. Macneel*, Mr. *Magistrates*, II. 2. 3. *Night Work. Overseers. Planters. Scott*, Mr. *Stokers. Sugar Crop. Syphon-men. Task Gangs.*

Wainwright, R. A., esq. Letter from him to Sir George Grey, dated 9th June 1836, relative to the appropriation of the fund of the Mico charity in aid of negro education, *App. p.* 221–223.——*See* also *Mico Charity*, Trustees of. *Negro Education.*

Walsh, Mr. Report from him on the state of the provision grounds in the respective properties in his district, *App. p.* 205.

Warrants. All warrants, summonses, &c. to be executed by one of the police in Tobago, *App. p.* 64.——*See* also *Justice*, Administration of.

Water. Is provided for apprentices employed in field labour, *Oldham* 4661.

Water Carriers. It is impossible for field labourers to do without them, *Brown* 5726.

Water Mill Estate. Number of persons employed on this estate during dinner time, *Jones* 5365.

Watkis, Mr. His opinion that the apprentices were entitled to all the allowances precisely as they had been anterior to the passing the Emancipation Act, *Beaumont* 4381–4386, *Brown* 5694–5697——Was greatly injured in his practice as a barrister for advocating the negroes rights, *Beaumont* 4428.——*See* also *Allowances*, 5.

Weeding Canes. See *Boys.*

Welch, Mr. *Arthur.* Letter from him to Lord Sligo, dated 24th February 1836, respecting the condition of the provision grounds within his district, *App. p.* 210.

West India Colonies. Letter from Dr. Madden to R. W. Hay, esq., dated 14th March 1835, transmitting observations on the working of the Bill for the Abolition of Slavery in the West Indies, *Madden* 453, *p.* 49——Without vigilant superintendence, the West Indies will in a very short space of time relapse into most of the abuses of slavery, *Jeremie* 2664——There has been some English or Irish emigrants introduced by individual proprietors there, *Grey* 5622——Copy Lord Glenelg's circular despatch of 30th January 1836, relative to the sales of Crown lands in the West India colonies, *App. p.* 224, 225——Observations on the state of the laws relating to marriage in the emancipated colonies by R. Matthews, esq., *App. p.* 241–248.

See also *Apprenticeship System*, II. 1. *Crown Lands. Justice*, Administration of.

West India Merchants. See *Magistrates*, II. 1. *Slave Trade. Sugar.*

Westmoreland, Parish of. Great number of sugar estates in this parish, *Beaumont* 3983——Summary of letters addressed to Lord Sligo by the magistrates of this parish, in answer to a circular requiring reports upon the state of each district, the industry and conduct of the apprentices, the behaviour of the masters, the state of cultivation, and the prospects of the ensuing crop, *App. p.* 139——Reports on the same subject, for the quarter ending March 1836, *App. p.* 149——District in good order; as forward as usual with cultivation; a fair average crop expected, *App. p.* 149.

Number of gaols or houses of correction; number of prisoners they are capable of containing, and average number confined, *App. p.* 107–117——Rules and regulations for the Westmoreland gaol and house of correction, *App. p.* 125——Condition of the provision grounds in the different districts of this parish, *App. p.* 194, 195.

See also *Oliver*, Mr. *Philip*, Mr.

White, Dr. Was bred a physician; he took charge of his father's estate, and considerably increased the crop, though he was not bred a planter, *Beaumont* 4406.

White, Lieut. Was dismissed from the special magistracy by the governor of the colony for undue severity, *Oldrey* 3051-3053. 3093-3097——Had a piece of plate voted to him by the planters upon his retirement from the special magistracy, *Oldrey* 3091. 3098, *Beaumont* 4006.

Whiteman, John. Indictment preferred against him was ignored by the grand jury at Kingston, and supposed reason, *Grey* 5549. 5557.

Whyte, Mr. *J. M.* Is a very able agent for proprietors; he was an officer of the Guards, *Beaumont* 4406.

Williams, Janet. Evidence of Mr. Dallas respecting this case, *Ev. p.* 524.

Witnesses. It is not the practice of the Jamaica House of Assembly to order payment of expenses of witnesses summoned before their committees, *Burge* 5898–5905.

See also *Complaints.*

Witney Estate. Apprentices on this estate expressed themselves very favourably of their managers, though they object to the working of the system generally throughout the country, *Beaumont* 4035.

Woolfreys, J. Reports on the state of negro grounds in the district of St. Anns, under his charge as special magistrate, *App. p.* 203.

Woolfris, Mr. Is interested in apprenticed labour to a certain extent, *Beaumont* 4220, 4221.

Workhouse Act. Whether the Jamaica Workhouse Act has been allowed or disallowed, *Grey* 5631, 5632.

Workhouses. Whether free people are confined there in common with the apprenticed labourer, *Oldham* 4616–4629——Under the Vagrant Act free people as well as apprentices were sent to them, *Brown* 5719——Description of white people to be found in workhouses, *Oldham* 4644, 4645, *Russell* 5255–5273. 5307——Apprentices are generally sent to the workhouses for crimes committed by them, *Russell* 5256.

All the apprentices are worked in chains in the workhouses, *Brown* 5718——Special magistrates who are not local magistrates have not the power of entering workhouses, *Oldrey* 3215——Magistrates have the power of visiting them whether they are local magistrates or not, *Burge* 3286–3288, *Grey* 5631——Treatment of negroes in the workhouse at St. Elizabeth is very cruel, *Oldrey* 3244——It is considered a great degradation in Jamaica to be sent to the workhouses, *Russell* 5265-——Are open to the inspection of the special magistrates at any period of the day, *Miller* 3954–3957——Examination relative to the infliction of corporal punishment on females in workhouses, *Grey* 5540–5543.

See also *Assaults. Chains. Europeans. Females. Magistrates*, I. 2. II. 2. *Medical Men. Penal Gangs. Police. Prisoners. Seamen. Slowly*, Mr. *Switching. Treadmills.*